

SOUTH DAKOTA.

William A. Lyons to be postmaster at Geddes, in the county of Charles Mix and State of South Dakota, in place of John C. Stoughton. Incumbent's commission expired April 2, 1906.

TENNESSEE.

D. A. Tate to be postmaster at South Pittsburg, in the county of Marion and State of Tennessee, in place of Robert A. Patton. Incumbent's commission expired March 13, 1906.

TEXAS.

Richard B. Harrison to be postmaster at New Boston, in the county of Bowie and State of Texas, in place of Richard B. Harrison. Incumbent's commission expired May 19, 1906.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 22, 1906.

Thomas H. Fox to be postmaster at Ashland, in the State of Virginia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1906.

INDIAN AGENT.

John T. Frater, of Brainerd, Minn., to be agent for the Indians of the Leech Lake Agency in Minnesota.

PROMOTIONS IN THE ARMY—ARTILLERY CORPS.

To be captains.

First Lieut. Ernest A. Greenough, Artillery Corps, from March 16, 1906.

First Lieut. Alexander Greig, jr., Artillery Corps, from March 26, 1906.

First Lieut. Solomon Avery, jr., Artillery Corps, from April 1, 1906.

First Lieut. James A. Ruggles, Artillery Corps, from April 5, 1906.

First Lieut. Fred T. Austin, Artillery Corps, from April 14, 1906.

To be first lieutenants.

Second Lieut. William S. Bowen, Artillery Corps, from February 24, 1906.

Second Lieut. Norton E. Wood, Artillery Corps, from March 3, 1906.

Second Lieut. Marion S. Battle, Artillery Corps, from March 3, 1906.

Second Lieut. Frank T. Thornton, Artillery Corps, from March 9, 1906.

Second Lieut. Ernest S. Wheeler, Artillery Corps, from March 16, 1906.

Second Lieut. Stanley S. Ross, Artillery Corps, from March 26, 1906.

Second Lieut. Graham Parker, Artillery Corps, from April 1, 1906.

Second Lieut. Albert S. Fuger, Artillery Corps, from April 5, 1906.

Second Lieut. Edward Gottlieb, Artillery Corps, from April 14, 1906.

POSTMASTERS.

ARIZONA.

D. L. Robinson to be postmaster at Jerome, in the county of Yavapai and Territory of Arizona.

INDIAN TERRITORY.

Hanson P. Warfield to be postmaster at Tishomingo, in district 22, Ind. T.

KANSAS.

Joseph A. Schmitt to be postmaster at Ellsworth, in the county of Ellsworth and State of Kansas.

LOUISIANA.

Robert E. Rosenberger to be postmaster at Garyville, in the parish of St. John the Baptist and State of Louisiana.

NEBRASKA.

Jacob Fisher to be postmaster at Hastings, in the county of Adams and State of Nebraska.

NEW JERSEY.

Abram W. Boss to be postmaster at Flemington, in the county of Hunterdon and State of New Jersey.

James P. Van Schoick to be postmaster at Manasquan, in the county of Monmouth and State of New Jersey.

NEW YORK.

Alton C. Bates to be postmaster at Springville, in the county of Erie and State of New York.

Albert E. Bonesteel to be postmaster at Troy, in the county of Rensselaer and State of New York.

NORTH DAKOTA.

Albert F. Hill to be postmaster at Cando, in the county of Towner and State of North Dakota.

PENNSYLVANIA.

George W. Wright to be postmaster at Elizabeth, in the county of Allegheny and State of Pennsylvania.

TEXAS.

Theodore Ray to be postmaster at Midland, in the county of Midland and State of Texas.

VIRGINIA.

John M. Sloan to be postmaster at Chase City, in the county of Mecklenburg and State of Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 22, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal be approved.

The question was taken; and the motion was agreed to.

CHANGE OF REFERENCE.

Mr. STEVENS of Minnesota. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move a re-reference of the bill H. R. 17138 to the Committee on Rivers and Harbors.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 17138) to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River going over the dams between St. Paul and Minneapolis, Minn.

The SPEAKER. By direction of the Committee on Interstate and Foreign Commerce, the gentleman from Minnesota moves a change of reference from that committee to the Committee on Rivers and Harbors of the bill the title of which has been read.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 18787. An act granting an increase of pension to Malcolm Ray;

H. R. 17842. An act granting a pension to Josephine V. Sparks;

H. R. 11543. An act to correct the military record of Benjamin F. Graham;

H. R. 15869. An act granting an increase of pension to Wilson H. McCune;

H. R. 13022. An act granting an increase of pension to Sarah L. Ghrist;

H. R. 12135. An act granting an increase of pension to William Landahn;

H. R. 18032. An act granting an increase of pension to Mary H. Scott;

H. R. 17890. An act granting an increase of pension to J. T. Bandy;

H. R. 17072. An act granting an increase of pension to Joseph French; and

H. R. 13917. An act to remove the charge of desertion from the military record of Robert W. Liggett.

The message also announced that the Vice-President had appointed Mr. PETTUS and Mr. GALLINGER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments" for the disposition of useless papers in the Interior Department.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5803. An act granting an increase of pension to William H. Meadows;

S. 5758. An act granting an increase of pension to Joshua J. Clark;

S. 3750. An act granting an increase of pension to Wilbur F. Flint;

S. 5085. An act granting an increase of pension to Ellen Donovan;

- S. 5046. An act granting a pension to George Amerline;
 S. 1855. An act granting an increase of pension to J. J. Brown;
 S. 5731. An act granting an increase of pension to James Mc-Twigg;
 S. 5158. An act granting an increase of pension to Andrew J. Fosdick;
 S. 1224. An act granting an increase of pension to William A. Bowles;
 S. 4458. An act granting an increase of pension to Andrea P. Quist;
 S. 5537. An act granting a pension to Henry C. Cloan;
 S. 764. An act granting an increase of pension to Robert Carney;
 S. 5143. An act granting an increase of pension to Eugene V. McKnight;
 S. 5559. An act granting an increase of pension to Ann H. Crofton;
 S. 5969. An act granting an increase of pension to Franklin Burdick;
 S. 4372. An act granting an increase of pension to Emily P. Hubbard;
 S. 4719. An act granting an increase of pension to John Joines;
 S. 3256. An act for the relief of William Persons;
 S. 1584. An act to correct the military record of Alexander Everhart;
 S. 6063. An act granting an increase of pension to F. A. Sullivan;
 S. 6039. An act granting an increase of pension to George Gardner;
 S. 6027. An act granting a pension to Hattie S. Carruth;
 S. 5808. An act granting an increase of pension to Washington Brockman;
 S. 453. An act granting an increase of pension to George K. Green;
 S. 4379. An act granting an increase of pension to Roy E. Knight;
 S. 3261. An act granting an increase of pension to Charles B. Town;
 S. 4171. An act granting an increase of pension to Joseph Bovee;
 S. 6. An act granting an increase of pension to Ella N. Harvey;
 S. 5728. An act granting an increase of pension to Emery Wyman;
 S. 4550. An act granting an increase of pension to Henry Moody;
 S. 1428. An act granting an increase of pension to Daniel Lamprey;
 S. 1664. An act granting an increase of pension to Elizabeth L. W. Bailey;
 S. 4790. An act granting an increase of pension to Edward W. Smith;
 S. 3697. An act granting an increase of pension to Sarah A. Petherbridge;
 S. 2728. An act granting an increase of pension to Louisa Carr;
 S. 4811. An act granting an increase of pension to Mae Spaulding;
 S. 6024. An act granting an increase of pension to Franklin B. Beach;
 S. 1510. An act granting an increase of pension to Bryon K. May;
 S. 4784. An act granting an increase of pension to Lemuel Cross;
 S. 2791. An act granting an increase of pension to John Lindt;
 S. 4770. An act granting an increase of pension to Edward Hart;
 S. 668. An act granting an increase of pension to John C. Rassback;
 S. 5809. An act granting an increase of pension to Hannah C. Church;
 S. 1849. An act granting an increase of pension to David T. Pettie;
 S. 2852. An act granting an increase of pension to Bridget Manahan;
 S. 911. An act granting an increase of pension to Julius A. Davis;
 S. 1264. An act granting an increase of pension to Joseph Shiney;
 S. 5834. An act granting an increase of pension to Charles F. Sheldon;
 S. 5583. An act granting an increase of pension to Foster L. Banister;
 S. 2294. An act granting a pension to Michael Reynolds;
 S. 3904. An act granting a pension to George J. Thomas;
 S. 5784. An act granting an increase of pension to Mahala F. Campbell;
 S. 5785. An act granting an increase of pension to Joseph W. Doughty;
 S. 5501. An act granting an increase of pension to Jacob L. Kline;
 S. 4497. An act granting an increase of pension to Augustus McDowell;
 S. 3684. An act granting an increase of pension to George W. Hyde;
 S. 2429. An act granting an increase of pension to James Devor;
 S. 2619. An act granting an increase of pension to William H. Wille;
 S. 5842. An act granting a pension to Marie G. Lauer;
 S. 5791. An act granting an increase of pension to Margaret Simpson;
 S. 5786. An act granting an increase of pension to Mary J. Ivey;
 S. 5775. An act granting an increase of pension to Harvey M. Traver;
 S. 5326. An act granting an increase of pension to Annie A. West;
 S. 5801. An act granting an increase of pension to Andrew Jackson Parris;
 S. 5800. An act granting an increase of pension to James N. Davis;
 S. 5742. An act granting an increase of pension to James A. Bryant;
 S. 4887. An act granting an increase of pension to Calvin C. Hussey;
 S. 1174. An act granting an increase of pension to Edwin Morgan;
 S. 215. An act granting a pension to Elias Phelps;
 S. 4133. An act granting an increase of pension to George Brewster;
 S. 1215. An act to correct the military record of William Fleming;
 S. 4964. An act for the relief of Thomas F. Walter;
 S. 4937. An act granting an increase of pension to John Reece;
 S. 5256. An act granting an increase of pension to John Johnson;
 S. 4879. An act granting an increase of pension to Nellie Baker;
 S. 722. An act restoring to the pension roll the name of Annis Bailey, widow of Abram R. Ward;
 S. 3629. An act granting an increase of pension to William Hibbs;
 S. 5928. An act granting an increase of pension to Patrick Gaffney;
 S. 5442. An act granting a pension to Frances E. Taylor;
 S. 5790. An act granting an increase of pension to Jehial P. Hammond;
 S. 3486. An act granting an increase of pension to Edwin D. Wescott;
 S. 5022. An act granting an increase of pension to Henry S. Olney;
 S. 4346. An act granting an increase of pension to William E. Holloway;
 S. 1443. An act granting an increase of pension to Hiram C. Clark;
 S. 5983. An act granting a pension to Florence H. Godfrey;
 S. 586. An act granting an increase of pension to Corydon W. Sanborn;
 S. 6034. An act granting an increase of pension to William H. Hopper;
 S. 3814. An act granting a pension to John Giffin;
 S. 4585. An act granting an increase of pension to Mary A. Counts;
 S. 5152. An act granting an increase of pension to Holoway W. Kinney;
 S. 5169. An act granting an increase of pension to James A. Price;
 S. 5902. An act granting an increase of pension to George W. Webster;
 S. 6146. An act to authorize the Back River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore;
 S. 4092. An act granting an increase of pension to John Smith;
 S. 6038. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the

Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes;

S. 3728. An act granting a pension to William H. Winans;
S. 2179. An act granting an increase of pension to S. Annie Gregg;

S. 3270. An act granting an increase of pension to William H. Richardson;

S. 3649. An act granting a pension to Sarah Agnes Sullivan;

S. 3487. An act granting an increase of pension to Joseph Fuller;

S. 5949. An act granting an increase of pension to George F. White;

S. 2032. An act granting an increase of pension to Thomas F. Stevens;

S. 5966. An act granting an increase of pension to C. C. Davis;

S. 5708. An act granting an increase of pension to Nathalia Boepple;

S. 5032. An act granting a pension to Daisy Crowninshield Stuyvesant;

S. 5948. An act granting an increase of pension to Samuel B. Rice;

S. 4492. An act granting an increase of pension to George W. Fletcher;

S. 225. An act granting a pension to Thomas R. Smith;

S. 5932. An act granting an increase of pension to E. R. Merriman;

S. 5056. An act granting a pension to Alexander Plotts;

S. 2008. An act granting a pension to Virginia A. McKnight;

S. 5844. An act granting an increase of pension to John Keys;

S. 4205. An act granting an increase of pension to George Warner;

S. 1256. An act granting an increase of pension to Lewis D. Moore;

S. 1865. An act granting an increase of pension to Solomon H. Baker;

S. 20. An act granting an increase of pension to Edward Higgins;

S. 3553. An act granting an increase of pension to William Oliver;

S. 5290. An act granting an increase of pension to James Ramsey;

S. 5855. An act granting an increase of pension to Blanche B. Badger;

S. 4608. An act granting a pension to George W. Walter;

S. 4173. An act granting an increase of pension to Catharine E. Smith;

S. 5767. An act granting an increase of pension to Thomas D. Welch;

S. 5700. An act granting an increase of pension to Stacy B. Warford;

S. 5765. An act granting an increase of pension to Theodore F. Montgomery; and

S. 4910. An act granting an increase of pension to William Wright.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9297. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired;

H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park";

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana;

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland;

H. R. 18056. An act granting an increase of pension to Moses Davis;

H. R. 17165. An act granting an increase of pension to Sophie Pohlert;

H. R. 17650. An act granting an increase of pension to Hugh F. Ames;

H. R. 5842. An act to correct the military record of Charles F. Deisch;

H. R. 16714. An act granting a pension to Abbie E. Barr;

H. R. 13493. An act granting an increase of pension to Elizabeth J. Meek;

H. R. 13024. An act granting a pension to William J. Beach;

H. R. 14200. An act granting an increase of pension to John K. Dalzell;

H. R. 14198. An act granting an increase of pension to William Stewart;

H. R. 12813. An act granting an increase of pension to Reese Moore;

H. R. 12480. An act granting an increase of pension to James McKenna;

H. R. 12304. An act granting an increase of pension to John McDonough;

H. R. 13236. An act granting an increase of pension to William Haines;

H. R. 13421. An act granting a pension to John W. Wabgrass;

H. R. 13326. An act granting an increase of pension to Augustus McDaniel;

H. R. 14996. An act granting an increase of pension to John F. Smith;

H. R. 14955. An act granting an increase of pension to Eliza Moore;

H. R. 14839. An act granting an increase of pension to James McManis;

H. R. 14827. An act granting an increase of pension to William K. Stewart;

H. R. 14545. An act granting an increase of pension to Eliza L. Nixon;

H. R. 13923. An act granting an increase of pension to Martin Dayhuff;

H. R. 12842. An act granting an increase of pension to William J. Drake;

H. R. 13689. An act granting an increase of pension to William S. Newman;

H. R. 13622. An act granting a pension to Mary Cochran;

H. R. 14470. An act granting an increase of pension to William A. Braselton;

H. R. 14328. An act granting an increase of pension to Charles M. Mears;

H. R. 13704. An act granting a pension to Ann Dewier;

H. R. 13465. An act granting an increase of pension to Eleanor Gregory;

H. R. 13111. An act granting an increase of pension to Lewis S. Perkins;

H. R. 12734. An act granting an increase of pension to Abram Van Riper;

H. R. 12664. An act granting an increase of pension to William E. Wallace;

H. R. 13469. An act granting an increase of pension to Michael Davy, alias James Byron;

H. R. 12279. An act granting an increase of pension to James S. Topping;

H. R. 14072. An act granting an increase of pension to George W. Reeder;

H. R. 13060. An act granting an increase of pension to Henry De Graff;

H. R. 13030. An act granting an increase of pension to John C. Heney;

H. R. 14106. An act granting an increase of pension to John S. Melton;

H. R. 13882. An act granting an increase of pension to Levi L. Price;

H. R. 13713. An act granting a pension to Allison W. Pollard;

H. R. 12733. An act granting an increase of pension to Charles W. Kelsey;

H. R. 13535. An act granting an increase of pension to William Kelly;

H. R. 12010. An act granting an increase of pension to Lewis Hoffman;

H. R. 13506. An act granting an increase of pension to Julia A. Bachus;

H. R. 14854. An act granting an increase of pension to Harriet Howard;

H. R. 14736. An act granting an increase of pension to Isaac C. Smallwood;

H. R. 14539. An act granting an increase of pension to Louis C. Robinson;

H. R. 11424. An act granting an increase of pension to Stephen W. Neal;

H. R. 9276. An act granting a pension to Mary E. O'Hare;

H. R. 9375. An act granting an increase of pension to Charles H. McKenney;

H. R. 8091. An act granting an increase of pension to John Coughlin;

H. R. 6776. An act granting an increase of pension to Stephen C. Smith;

H. R. 6112. An act granting an increase of pension to Edmund Fish;

H. R. 10774. An act granting an increase of pension to James D. Leach;

- H. R. 10318. An act granting an increase of pension to James F. Hollett;
- H. R. 6111. An act granting an increase of pension to Edwin R. Steenrod;
- H. R. 15972. An act granting an increase of pension to Thomas J. Smith;
- H. R. 4595. An act granting an increase of pension to Thomas H. Tallant;
- H. R. 4594. An act granting an increase of pension to Joshua S. Ditto;
- H. R. 15178. An act granting an increase of pension to Matilda Morrison;
- H. R. 15180. An act granting an increase of pension to Amanda Pitman;
- H. R. 1547. An act granting an increase of pension to William A. Olmsted;
- H. R. 15854. An act granting an increase of pension to Phillip Schloesser;
- H. R. 15867. An act granting an increase of pension to Annie M. Stevens;
- H. R. 16274. An act granting an increase of pension to David Lindsey;
- H. R. 14493. An act granting an increase of pension to Henry Gentles, alias Henry Hopner;
- H. R. 13679. An act granting an increase of pension to Joseph Nobinger;
- H. R. 12561. An act granting a pension to Francis M. McClendon;
- H. R. 13507. An act granting an increase of pension to Thomas Crowley;
- H. R. 14861. An act granting an increase of pension to Dennis W. Ray;
- H. R. 14745. An act granting an increase of pension to Frederick B. Walton;
- H. R. 13233. An act granting an increase of pension to Jesse A. B. Thorne;
- H. R. 13232. An act granting an increase of pension to Penina Owens;
- H. R. 13229. An act granting an increase of pension to Sarah E. Holland;
- H. R. 13228. An act granting an increase of pension to Augustus Hathaway;
- H. R. 13227. An act granting an increase of pension to Robert Blancett;
- H. R. 13577. An act granting an increase of pension to Ellen M. Van Brunt;
- H. R. 14504. An act granting an increase of pension to Aaron P. Seeley;
- H. R. 12372. An act granting an increase of pension to J. Morgan Seabury;
- H. R. 13575. An act granting a pension to Frances Bell;
- H. R. 13140. An act granting an increase of pension to Jesse W. Howe;
- H. R. 12588. An act granting an increase of pension to Joseph B. Dickinson;
- H. R. 12180. An act granting an increase of pension to Charles H. Dunning;
- H. R. 12160. An act granting an increase of pension to Josephine D. McNary;
- H. R. 16174. An act granting an increase of pension to John Williamson;
- H. R. 15355. An act granting an increase of pension to George M. Dalley;
- H. R. 15495. An act granting an increase of pension to Job B. Sanderson;
- H. R. 16606. An act granting an increase of pension to James A. Duff;
- H. R. 16806. An act granting an increase of pension to Henry Brenizer;
- H. R. 16547. An act granting an increase of pension to John Rutter;
- H. R. 16165. An act granting an increase of pension to Morris Smith;
- H. R. 15943. An act granting an increase of pension to William D. Jones;
- H. R. 15925. An act granting an increase of pension to Abraham Walker;
- H. R. 14660. An act granting an increase of pension to Daniel M. Philbrook;
- H. R. 12653. An act granting a pension to Sarah Adams;
- H. R. 15932. An act granting an increase of pension to Hartley B. Cox;
- H. R. 15233. An act granting an increase of pension to William G. Westover;
- H. R. 15418. An act granting an increase of pension to Samuel P. Sargent;
- H. R. 16887. An act granting an increase of pension to Darwin Johnson;
- H. R. 16996. An act granting an increase of pension to Joseph Delisle;
- H. R. 16173. An act granting a pension to Sarah Smith;
- H. R. 16765. An act granting an increase of pension to Angus Campbell;
- H. R. 16681. An act granting a pension to Gustave Bergen;
- H. R. 16627. An act granting a pension to Delilah Moore;
- H. R. 16622. An act granting an increase of pension to James Webb;
- H. R. 16516. An act granting an increase of pension to James B. Fairchild;
- H. R. 16491. An act granting an increase of pension to Lewis Denson;
- H. R. 16429. An act granting an increase of pension to Caroline M. Pierce;
- H. R. 15147. An act granting an increase of pension to Joseph B. Teas;
- H. R. 16335. An act granting an increase of pension to John A. Bryan;
- H. R. 16279. An act granting an increase of pension to Edward E. Elliott;
- H. R. 15566. An act granting an increase of pension to Andrew F. Kreger;
- H. R. 15539. An act granting an increase of pension to John McConnell;
- H. R. 15490. An act granting a pension to Mary E. Darcy;
- H. R. 15459. An act granting an increase of pension to Drucilla A. Massey;
- H. R. 15229. An act granting an increase of pension to Edwin Howes;
- H. R. 15762. An act granting an increase of pension to Harmon Freeman, alias Harmon Storme;
- H. R. 16390. An act granting a pension to Katherine Partidge;
- H. R. 16400. An act granting an increase of pension to James McCracken;
- H. R. 16427. An act granting an increase of pension to William W. Carter;
- H. R. 16535. An act granting an increase of pension to Jonathan I. Wright;
- H. R. 16536. An act granting an increase of pension to Cyrus S. Case;
- H. R. 16991. An act granting an increase of pension to Stephen Vaught;
- H. R. 15614. An act granting an increase of pension to Clark Cornett;
- H. R. 15641. An act granting an increase of pension to Eli Woodbury;
- H. R. 6578. An act granting an increase of pension to James B. McWhorter;
- H. R. 15102. An act granting an increase of pension to William H. Ryckman;
- H. R. 15592. An act granting an increase of pension to Levi H. Townsend;
- H. R. 15761. An act granting an increase of pension to Lafayette North;
- H. R. 14142. An act granting an increase of pension to James A. Scrutfield;
- H. R. 14980. An act granting an increase of pension to Matthew H. Bellamy;
- H. R. 15201. An act granting an increase of pension to Edward O'Shea;
- H. R. 15588. An act granting a pension to Hester Hyatt;
- H. R. 15632. An act granting an increase of pension to Joseph B. Sanders;
- H. R. 15675. An act granting an increase of pension to Harley Mowrey;
- H. R. 15682. An act granting an increase of pension to Hannah M. Hayes;
- H. R. 15807. An act granting a pension to Catherine Arnold;
- H. R. 16372. An act granting an increase of pension to Andrew Dorn;
- H. R. 16724. An act granting an increase of pension to James S. Burgess;
- H. R. 16902. An act granting an increase of pension to Dennis Winn;
- H. R. 15149. An act granting an increase of pension to William W. Ferguson;
- H. R. 15855. An act granting an increase of pension to Will E. Kayser;

- H. R. 9812. An act granting an increase of pension to Joseph B. Newberry;
 H. R. 11466. An act granting an increase of pension to Benjamin F. Heald;
 H. R. 12331. An act granting an increase of pension to Daniel J. Miller;
 H. R. 15064. An act granting an increase of pension to Jacob Wagenknecht;
 H. R. 15272. An act granting an increase of pension to Patrick Mooney;
 H. R. 15783. An act granting an increase of pension to George W. Sutton;
 H. R. 16098. An act granting an increase of pension to Frederick Fenz;
 H. R. 16220. An act granting an increase of pension to George C. Powell;
 H. R. 16522. An act granting an increase of pension to Charles Meyer;
 H. R. 16632. An act granting an increase of pension to Louis Lepine;
 H. R. 16884. An act granting an increase of pension to William D. Woodcock;
 H. R. 3227. An act granting an increase of pension to Isaac Tuttle;
 H. R. 4222. An act granting a pension to Otto Boesewetter;
 H. R. 4743. An act granting an increase of pension to Hiram N. Goodell;
 H. R. 4745. An act granting an increase of pension to Henry D. Stiehl;
 H. R. 6490. An act granting an increase of pension to William H. Gilbert;
 H. R. 6912. An act granting an increase of pension to Charles H. Weaver;
 H. R. 7419. An act granting an increase of pension to James Scott;
 H. R. 7495. An act granting a pension to Susie M. Gerth;
 H. R. 7498. An act granting an increase of pension to Mary Hanson;
 H. R. 7500. An act granting an increase of pension to John McCandless;
 H. R. 7876. An act granting an increase of pension to Julius Beier;
 H. R. 8138. An act granting an increase of pension to Similde E. Forbes;
 H. R. 8144. An act granting a pension to Ada J. Lasswell;
 H. R. 8662. An act granting an increase of pension to Edward F. Paramore;
 H. R. 12194. An act granting a pension to Minnie Irwin;
 H. R. 13861. An act granting an increase of pension to Wilhelm Dickhoff;
 H. R. 15002. An act granting an increase of pension to George E. Wood;
 H. R. 14994. An act granting an increase of pension to Daniel C. Joslyn;
 H. R. 15499. An act granting an increase of pension to Elias Andrew;
 H. R. 15500. An act granting an increase of pension to John W. Thomas;
 H. R. 16319. An act granting an increase of pension to Orrin D. Nichols;
 H. R. 16828. An act granting an increase of pension to Georgia A. Hughes;
 H. R. 16541. An act granting an increase of pension to Ambrose Y. Teague;
 H. R. 16540. An act granting an increase of pension to Sarah M. Evans;
 H. R. 15058. An act granting an increase of pension to Enoch Rector;
 H. R. 16530. An act granting an increase of pension to William H. Gautier;
 H. R. 16529. An act granting an increase of pension to James M. Sikes;
 H. R. 16527. An act granting an increase of pension to William Martin;
 H. R. 16526. An act granting an increase of pension to James R. Hilliard;
 H. R. 16224. An act granting an increase of pension to Francis M. Crawford;
 H. R. 16717. An act granting an increase of pension to Sterling Hughes;
 H. R. 16941. An act granting an increase of pension to Thomas H. Hogan;
 H. R. 11303. An act granting a pension to Joseph Matthews;
 H. R. 16992. An act granting an increase of pension to John R. Baldwin;
 H. R. 16993. An act granting an increase of pension to Melroe Tarter;
 H. R. 15243. An act granting a pension to Artemesia T. Husbrook;
 H. R. 15501. An act granting an increase of pension to Elizabeth Parks;
 H. R. 16576. An act granting an increase of pension to Silas P. Conway;
 H. R. 16577. An act granting an increase of pension to Joseph M. Pound;
 H. R. 16602. An act granting an increase of pension to Christopher C. Reeves;
 H. R. 16603. An act granting an increase of pension to Pleasant W. Cook;
 H. R. 16881. An act granting an increase of pension to Joel R. Youngkin;
 H. R. 16931. An act granting a pension to Cornelia Mitchell;
 H. R. 16936. An act granting an increase of pension to Sherwood F. Culberson;
 H. R. 16486. An act granting an increase of pension to Thomas Bosworth;
 H. R. 16466. An act granting an increase of pension to Asenith Woodall;
 H. R. 8650. An act granting an increase of pension to Sewell F. Graves;
 H. R. 9034. An act granting an increase of pension to Mary F. McCauley;
 H. R. 12792. An act granting an increase of pension to William Wiley;
 H. R. 13047. An act granting an increase of pension to Walter Saunders;
 H. R. 13877. An act granting an increase of pension to Juan Canasco;
 H. R. 15977. An act granting an increase of pension to Mary E. Ramsey;
 H. R. 16186. An act granting an increase of pension to William T. A. H. Boles;
 H. R. 16271. An act granting an increase of pension to Edwin Elliott;
 H. R. 17683. An act granting an increase of pension to John Hoch;
 H. R. 17671. An act granting a pension to Sarah A. Thompson;
 H. R. 17308. An act granting a pension to Margaret E. Eveland;
 H. R. 17202. An act granting an increase of pension to Benjamin H. Cool;
 H. R. 17003. An act granting an increase of pension to Eleazer C. Harmon;
 H. R. 17384. An act granting an increase of pension to William Warnes;
 H. R. 17238. An act granting an increase of pension to John G. Vassar;
 H. R. 17014. An act granting an increase of pension to Jackson D. Thornton;
 H. R. 17006. An act granting an increase of pension to Fountain M. Fain;
 H. R. 17144. An act granting an increase of pension to Jesse Wiley;
 H. R. 17781. An act granting an increase of pension to Frank M. Parker;
 H. R. 17690. An act granting a pension to Ellen E. Leary;
 H. R. 17597. An act granting an increase of pension to Charles Lee;
 H. R. 17422. An act granting an increase of pension to Orlando Hand;
 H. R. 17430. An act granting an increase of pension to John A. Mather;
 H. R. 17174. An act granting an increase of pension to Nathaniel C. Sawyer;
 H. R. 17205. An act granting a pension to Alice Garvey;
 H. R. 17108. An act granting a pension to Edith F. Morrison;
 H. R. 17012. An act granting an increase of pension to Mary Thackara;
 H. R. 17004. An act granting an increase of pension to Willard F. Sessions;
 H. R. 15768. An act granting an increase of pension to Mary J. Halbert;
 H. R. 17684. An act granting an increase of pension to Joseph M. Hays;
 H. R. 17591. An act granting an increase of pension to William Hall;
 H. R. 17244. An act granting an increase of pension to James Crandol;
 H. R. 17344. An act granting an increase of pension to John L. Fuhrman;

- H. R. 17055. An act granting an increase of pension to George Fankell;
 H. R. 17638. An act granting an increase of pension to York A. Woodward;
 H. R. 17613. An act granting an increase of pension to Susan E. Nash;
 H. R. 17372. An act granting an increase of pension to Arethusa M. Pettit;
 H. R. 17310. An act granting an increase of pension to Francis A. Hite;
 H. R. 17143. An act granting an increase of pension to William Taylor;
 H. R. 17067. An act granting an increase of pension to Simeon Pierce;
 H. R. 17070. An act granting an increase of pension to Thomas Blakney;
 H. R. 17069. An act granting an increase of pension to William L. Wilcher;
 H. R. 17854. An act granting an increase of pension to John Eubank;
 H. R. 17761. An act granting an increase of pension to Thomas J. Mackey;
 H. R. 17644. An act granting an increase of pension to Henry C. Eastler;
 H. R. 17619. An act granting an increase of pension to Davia D. Spain;
 H. R. 17558. An act granting a pension to Lizzie H. Prout;
 H. R. 17406. An act granting an increase of pension to William B. McAllister;
 H. R. 17402. An act granting an increase of pension to Isaiah H. Hazlitt;
 H. R. 17342. An act granting an increase of pension to Wesley G. Cox;
 H. R. 17278. An act granting an increase of pension to Mary E. Patterson;
 H. R. 17231. An act granting an increase of pension to Rachel Allen;
 H. R. 17586. An act granting a pension to Harriet A. Morton;
 H. R. 17085. An act granting an increase of pension to George W. Olis;
 H. R. 17036. An act granting an increase of pension to Josephine L. Jordan;
 H. R. 17303. An act granting an increase of pension to William H. Hester;
 H. R. 17700. An act granting an increase of pension to Andrew T. Mitchell;
 H. R. 17385. An act granting an increase of pension to James S. Ruby;
 H. R. 17120. An act granting a pension to Rhoda Munsil;
 H. R. 4867. An act granting a pension to Louisa Gregg;
 H. R. 16320. An act granting a pension to Esther M. Noah;
 H. R. 4965. An act granting an increase of pension to Samuel P. Holland;
 H. R. 6114. An act granting an increase of pension to Andrew J. Douglass;
 H. R. 7584. An act granting an increase of pension to James H. Kemp;
 H. R. 11917. An act granting an increase of pension to Davis Preston;
 H. R. 13026. An act granting an increase of pension to J. Bailey Orem;
 H. R. 12135. An act granting an increase of pension to William Laudahn;
 H. R. 549. An act granting an increase of pension to Charles W. Storr, jr.;
 H. R. 1482. An act granting an increase of pension to Philip Cook;
 H. R. 6061. An act granting an increase of pension to William H. Chapman;
 H. R. 6546. An act granting an increase of pension to Samuel A. White;
 H. R. 6865. An act granting an increase of pension to Charles F. Voss;
 H. R. 15274. An act granting an increase of pension to Edward W. Bell;
 H. R. 15523. An act granting a pension to Jose N. Lucero, alias Nasario Lucero;
 H. R. 11151. An act granting an increase of pension to John Sirmeyer;
 H. R. 11552. An act granting an increase of pension to Abraham G. Leiser;
 H. R. 13979. An act granting an increase of pension to Emeline A. Stewart;
 H. R. 15634. An act granting an increase of pension to Samuel M. Reese;
 H. R. 1182. An act granting an increase of pension to Ezekiel Bridwell;
 H. R. 1192. An act granting an increase of pension to George B. Hess;
 H. R. 2816. An act granting an increase of pension to James C. Town;
 H. R. 2168. An act granting an increase of pension to William Bridges;
 H. R. 2226. An act granting an increase of pension to George F. Long;
 H. R. 2234. An act granting an increase of pension to Jacob W. Gersteneker;
 H. R. 10029. An act granting an increase of pension to Abram Higbie;
 H. R. 10257. An act granting an increase of pension to Samuel Deems;
 H. R. 10922. An act granting an increase of pension to John McDonald;
 H. R. 10561. An act granting an increase of pension to Joseph N. Piersell;
 H. R. 11822. An act granting an increase of pension to Lawyer Sugs;
 H. R. 12810. An act granting an increase of pension to Edward Ross;
 H. R. 14801. An act granting an increase of pension to Thomas Armstrong;
 H. R. 1719. An act granting an increase of pension to William N. Whitlock;
 H. R. 18237. An act granting an increase of pension to Rachel Egeness;
 H. R. 5571. An act granting an increase of pension to William Cary;
 H. R. 8716. An act granting an increase of pension to John L. Coffey;
 H. R. 14118. An act granting an increase of pension to Edward Delaney;
 H. R. 17118. An act granting an increase of pension to John Burke;
 H. R. 11989. An act granting an increase of pension to Francis M. Hinds;
 H. R. 11510. An act granting an increase of pension to Joseph S. Larrance;
 H. R. 9138. An act granting an increase of pension to Aaron L. Rockwood;
 H. R. 9135. An act granting a pension to August Crome;
 H. R. 10766. An act granting a pension to Rachel L. Bartlett;
 H. R. 9529. An act granting an increase of pension to William Gibson;
 H. R. 11062. An act granting an increase of pension to Samuel W. Harlan;
 H. R. 11365. An act granting an increase of pension to Robert D. Williamson;
 H. R. 15316. An act granting an increase of pension to James McKelvy;
 H. R. 15819. An act granting an increase of pension to William T. Burgess;
 H. R. 17387. An act granting an increase of pension to David F. Eakin;
 H. R. 17806. An act granting an increase of pension to Enoch Boyle;
 H. R. 8954. An act granting a pension to George Cunningham;
 H. R. 10008. An act granting an increase of pension to James W. Dorman;
 H. R. 12762. An act granting an increase of pension to Jesse H. Brandt;
 H. R. 13337. An act granting an increase of pension to Joseph W. Harsh;
 H. R. 14982. An act granting an increase of pension to Isaac N. Long;
 H. R. 735. An act granting an increase of pension to Frank L. Fornshell;
 H. R. 1557. An act granting an increase of pension to Frank J. Oatley;
 H. R. 1946. An act granting an increase of pension to James A. Sproul;
 H. R. 2791. An act granting an increase of pension to Mary E. Adams;
 H. R. 3694. An act granting an increase of pension to Joseph D. Emory;
 H. R. 4240. An act granting an increase of pension to James F. Chipman;
 H. R. 4244. An act granting an increase of pension to John Spaulding;
 H. R. 3686. An act granting an increase of pension to Henry R. Cowan;

H. R. 5222. An act granting an increase of pension to Lewis R. Stegman;
 H. R. 8737. An act granting an increase of pension to Horace A. Manley;
 H. R. 8771. An act granting an increase of pension to Florence Sullivan;
 H. R. 8833. An act granting a pension to Edna M. Johnson;
 H. R. 12238. An act granting an increase of pension to Helen S. Brown;
 H. R. 14391. An act granting an increase of pension to Franklin Cooley;
 H. R. 15305. An act granting an increase of pension to Ezra H. Brown;
 H. R. 1413. An act granting an increase of pension to John Crawford;
 H. R. 1768. An act granting an increase of pension to George W. Childers;
 H. R. 3345. An act granting an increase of pension to Christina White;
 H. R. 5048. An act granting an increase of pension to William A. Failer;
 H. R. 6498. An act granting an increase of pension to Isaac C. France;
 H. R. 9923. An act granting an increase of pension to Joseph J. Mishler;
 H. R. 10993. An act granting an increase of pension to Samuel Jones;
 H. R. 12727. An act granting an increase of pension to Benjamin D. Bogia;
 H. R. 14169. An act granting an increase of pension to Bettie Stern;
 H. R. 14731. An act granting an increase of pension to Ezra H. Wiggins;
 H. R. 15003. An act granting an increase of pension to James Gray;
 H. R. 15695. An act granting a pension to John T. Wagoner;
 H. R. 15748. An act granting an increase of pension to Jacob R. Deckard;
 H. R. 718. An act granting an increase of pension to Hamilton D. Brown;
 H. R. 18005. An act granting a pension to Emily Compton;
 H. R. 18006. An act granting an increase of pension to Martha J. Bass;
 H. R. 4363. An act granting an increase of pension to Thomas D. Campbell;
 H. R. 4388. An act granting a pension to Laura Hilgeman;
 H. R. 4625. An act granting an increase of pension to Anderson J. Smith;
 H. R. 10246. An act granting an increase of pension to John Harrison;
 H. R. 12088. An act granting an increase of pension to Louisa Spielman;
 H. R. 15152. An act granting an increase of pension to Mary T. Corns;
 H. R. 15886. An act granting an increase of pension to John Misner;
 H. R. 5804. An act granting an increase of pension to Joseph A. Noyes;
 H. R. 4406. An act granting a pension to Albert M. Ryan;
 H. R. 5732. An act granting an increase of pension to Elias C. Kitchin;
 H. R. 8547. An act granting an increase of pension to John W. Madison;
 H. R. 2155. An act granting an increase of pension to William H. Smith;
 H. R. 10525. An act granting an increase of pension to Artemas D. Many;
 H. R. 10524. An act granting an increase of pension to Ebenezer W. Akerley;
 H. R. 13809. An act granting an increase of pension to James P. Tucker;
 H. R. 14237. An act granting an increase of pension to Isaac Kindle;
 H. R. 15206. An act granting an increase of pension to Peter G. Thompson;
 H. R. 15565. An act granting an increase of pension to Josias R. King;
 H. R. 17635. An act granting an increase of pension to George Willy;
 H. R. 10319. An act granting an increase of pension to Harvey Deal;
 H. R. 14490. An act granting an increase of pension to Martha A. Kenney;
 H. R. 15275. An act granting an increase of pension to John Martin;

H. R. 15450. An act granting an increase of pension to Virginia J. D. Holmes;
 H. R. 16193. An act granting an increase of pension to Daniel Shrader;
 H. R. 10177. An act granting a pension to Elizabeth Kohler;
 H. R. 16566. An act granting an increase of pension to Whitman V. White;
 H. R. 16648. An act granting an increase of pension to Henry B. Teetor;
 H. R. 16699. An act granting an increase of pension to Lewis P. Chandler;
 H. R. 16749. An act granting an increase of pension to Henry A. Jones;
 H. R. 17654. An act granting an increase of pension to Hannah J. K. Thomas;
 H. R. 17933. An act granting an increase of pension to Harriet E. Vandine;
 H. R. 17950. An act granting an increase of pension to James W. Hager;
 H. R. 18175. An act granting an increase of pension to Jeremiah Van Riper;
 H. R. 17971. An act granting an increase of pension to James G. Wall;
 H. R. 12807. An act granting a pension to Nancy Ann Gee;
 H. R. 13991. An act granting an increase of pension to Wiley H. Dixon;
 H. R. 16255. An act granting an increase of pension to James S. Brand;
 H. R. 17035. An act granting an increase of pension to Samuel Smith;
 H. R. 17373. An act granting an increase of pension to William T. Stott;
 H. R. 18158. An act granting a pension to Isaac Cope;
 H. R. 18188. An act granting an increase of pension to David B. Guthrie;
 H. R. 17843. An act granting an increase of pension to Samuel Watkins;
 H. R. 17771. An act granting an increase of pension to Deloss Williams;
 H. R. 17711. An act granting an increase of pension to John Dietz;
 H. R. 16783. An act granting an increase of pension to David W. Kirkpatrick;
 H. R. 16423. An act granting an increase of pension to Andrew J. Roe;
 H. R. 16398. An act granting an increase of pension to David Ross;
 H. R. 15032. An act granting a pension to Milton Diehl;
 H. R. 16295. An act granting an increase of pension to Laurence Foley;
 H. R. 16704. An act granting a pension to Lucy C. Strout;
 H. R. 17175. An act granting an increase of pension to Andrew E. Kinney;
 H. R. 17548. An act granting a pension to David J. Bentley;
 H. R. 17736. An act granting an increase of pension to Josephine B. Phelon;
 H. R. 17797. An act granting an increase of pension to Wilbur F. Lane;
 H. R. 17939. An act granting an increase of pension to Robert A. Seaver;
 H. R. 18075. An act granting an increase of pension to Anna E. Kingston;
 H. R. 18149. An act granting an increase of pension to S. Horace Perry;
 H. R. 1133. An act granting a pension to Mary Lockard;
 H. R. 8479. An act granting an increase of pension to Nellie A. Batchelder;
 H. R. 16751. An act granting an increase of pension to Samuel Hough;
 H. R. 17361. An act granting an increase of pension to Margaret McGiffin;
 H. R. 17480. An act granting an increase of pension to Charles P. Lord;
 H. R. 17788. An act granting a pension to Charles E. Benson;
 H. R. 17830. An act granting an increase of pension to William R. Snell;
 H. R. 18054. An act granting an increase of pension to Stewart J. Donnelly;
 H. R. 18094. An act granting an increase of pension to William G. Melick;
 H. R. 18325. An act granting an increase of pension to John W. Schofield;
 H. R. 13077. An act granting an increase of pension to James S. Prose;

H. R. 16586. An act granting an increase of pension to William Mattison;
 H. R. 16629. An act granting an increase of pension to Louis Stoeckig;
 H. R. 16630. An act granting an increase of pension to Philip Dumont;
 H. R. 17208. An act granting an increase of pension to Charles L. Westfall;
 H. R. 17333. An act granting an increase of pension to Esek W. Hoff;
 H. R. 17996. An act granting an increase of pension to Alonzo Wells;
 H. R. 18393. An act granting an increase of pension to David F. Crouch;
 H. R. 16824. An act granting an increase of pension to James Waskom;
 H. R. 15486. An act granting a pension to William H. M. Carpenter;
 H. R. 16285. An act granting an increase of pension to Henry Johnson;
 H. R. 17592. An act granting an increase of pension to Margaret Haynes;
 H. R. 18147. An act granting an increase of pension to Perry F. Belden;
 H. R. 18169. An act granting a pension to Margaret Stevens;
 H. R. 17162. An act granting an increase of pension to Scott Ruddick;
 H. R. 17173. An act granting an increase of pension to Thomas J. Davis;
 H. R. 17826. An act granting a pension to Wincy A. Lindsey;
 H. R. 18157. An act granting a pension to James J. Winkler;
 H. R. 12874. An act granting a pension to Sarah Ellen Dickens;
 H. R. 16408. An act granting an increase of pension to William Hendricks;
 H. R. 16994. An act granting an increase of pension to Harriet Payne;
 H. R. 17229. An act granting an increase of pension to Derias Thomas Jean;
 H. R. 17514. An act granting an increase of pension to Virginia C. Moore;
 H. R. 17515. An act granting an increase of pension to John J. Elliott;
 H. R. 17747. An act granting an increase of pension to Abraham I. Canary;
 H. R. 17796. An act granting an increase of pension to Thomas C. Alexander;
 H. R. 17892. An act granting an increase of pension to Abraham K. Smith;
 H. R. 18067. An act granting an increase of pension to Joseph Gulott;
 H. R. 18465. An act granting an increase of pension to Abby B. Cloud;
 H. R. 16267. An act granting a pension to Catherine Piper;
 H. R. 16471. An act granting an increase of pension to North Ann Dorman;
 H. R. 16528. An act granting an increase of pension to Catharine Price;
 H. R. 17557. An act granting an increase of pension to John W. Marshall;
 H. R. 17782. An act granting an increase of pension to Aaron K. Clark;
 H. R. 17855. An act granting an increase of pension to Harriett E. Miller;
 H. R. 17951. An act granting an increase of pension to Elizabeth A. Hodges;
 H. R. 17989. An act granting an increase of pension to Elizabeth Hodges;
 H. R. 18143. An act granting an increase of pension to James F. Brown;
 H. R. 18406. An act granting an increase of pension to Andrew Jackson;
 H. R. 18506. An act granting an increase of pension to Mahala Jones;
 H. R. 11686. An act granting a pension to William C. Bergbahn;
 H. R. 16044. An act granting an increase of pension to John C. Lindsay;
 H. R. 16253. An act granting an increase of pension to Margaret A. Hope;
 H. R. 16810. An act granting an increase of pension to Henry C. Jackson;
 H. R. 17209. An act granting an increase of pension to Alva D. Smith;

H. R. 17395. An act granting an increase of pension to Thaddeus C. S. Brown;
 H. R. 17526. An act granting an increase of pension to Richard Dunlap;
 H. R. 17584. An act granting an increase of pension to James White;
 H. R. 17913. An act granting an increase of pension to Philo Green;
 H. R. 17921. An act granting an increase of pension to James Reppeto; and
 H. R. 18019. An act granting an increase of pension to Milton A. Griffith.

URGENT DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I am directed by the Committee on Appropriations to report a bill making an appropriation for urgent deficiencies.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 19572) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent for the consideration of this urgent deficiency bill in the House as in the Committee of the Whole.

Mr. WILLIAMS. Mr. Speaker, I will have to object.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this urgent deficiency bill.

The question was taken; and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 111, noes 33.

Mr. WILLIAMS. Mr. Speaker, it appears there is no quorum present, and I suggest in the interim a call for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 13, answered "present" 24, not voting 149, as follows:

YEAS—195.

Adams, Pa.	Dwight	Landis, Chas. B.	Rixey
Alken	Edwards	Landis, Frederick	Robertson, La.
Allen, Me.	Esch	Lee	Rucker
Babcock	Fassett	Lewis	Ryan
Bannon	Floyd	Lilley, Pa.	Samuel
Bartholdt	Foster, Vt.	Littauer	Scott
Bates	French	Livingston	Shackleford
Beldier	Gardner, Mass.	Lloyd	Sherley
Bell, Ga.	Gardner, Mich.	Longworth	Sims
Bennett, Ky.	Garrett	Loud	Slayden
Bingham	Gilbert, Ind.	Loudenslager	Slemp
Bonyne	Gill	Lovering	Smith, Ill.
Boutell	Gillett, Cal.	McCall	Smith, Md.
Bowers	Gillett, Mass.	McCarthy	Smith, Samuel W.
Bowersock	Graff	McGavin	Smayner
Brantley	Graham	McKinlay, Cal.	Snapp
Brick	Granger	McKinley, Ill.	Southard
Brooks, Tex.	Gregg	McKinney	Southwick
Brooks, Colo.	Grosvenor	McNary	Sperry
Brown	Hale	Macon	Splight
Brownlow	Hamilton	Madden	Stafford
Brundidge	Haugen	Mahon	Steenerson
Buckman	Hay	Mann	Stephens, Tex.
Burke, Pa.	Hayes	Marshall	Stevens, Minn.
Byrd	Hedge	Miller	Sullivan, Mass.
Campbell, Kans.	Heflin	Minor	Sulloway
Campbell, Ohio	Henry, Conn.	Moon, Pa.	Talbott
Candler	Hepburn	Moon, Tenn.	Tawney
Capron	Hermann	Mouser	Taylor, Ohio
Cassel	Higgins	Mudd	Thomas, N. C.
Chaney	Hill, Conn.	Murdock	Thomas, Ohio
Chapman	Hinshaw	Murphy	Tirrell
Clark, Fla.	Hoar	Needham	Townsend
Cooper, Pa.	Hogg	Nevin	Underwood
Cooper, Wis.	Holliday	Norris	Volstead
Cousins	Hopkins	Olcott	Wachter
Cromer	Howell, N. J.	Otjen	Waldo
Crumpacker	Howell, Utah	Padgett	Wallace
Curtis	Hull	Parker	Watkins
Cushman	Humphrey, Wash.	Patterson, S. C.	Watson
Dalzell	Jones, Wash.	Payne	Weeks
Darragh	Kelley	Perkins	Weems
Davis, Minn.	Kellher	Pollard	Wiley, Ala.
Dawes	Kennedy, Nebr.	Pou	Wiley, N. J.
Dawson	Kennedy, Ohio	Prince	Williams
De Armond	Kinkaid	Reeder	Wood, N. J.
Deemer	Klepper	Rhinock	Young
Denby	Knowland	Rhodes	Zenor
Dixon, Ind.	Lafean	Richardson, Ala.	

NAYS—13.

Beall, Tex.	Garner	Kline	Smith, Tex.
Burleson	Gillespie	Randell, Tex.	
Clark, Mo.	Henry, Tex.	Robinson, Ark.	
Flood	Kitchin, Claude	Russell	

ANSWERED "PRESENT"—24.

Bartlett	Fuller	Lamb	Sherman
Clayton	Goldfogle	Lever	Smith, Iowa
Dale	Goulden	Lilley, Conn.	Towne
Discoll	Hill, Miss.	Maynard	Vanger
Finley	Jenkins	Parsons	Wilson
Fulkerson	Johnson	Sheppard	Wood, Mo.

NOT VOTING—149.

Acheson	Draper	Ketcham	Reid
Adams, Wis.	Dresser	Kitchin, Wm. W.	Reynolds
Adams	Dunwell	Knapp	Richardson, Ky.
Alexander	Ellerbe	Knopf	Rives
Allen, N. J.	Ellis	Lacey	Roberts
Ames	Field	Lamar	Rodenberg
Andrus	Fitzgerald	Law	Ruppert
Bankhead	Flack	Lawrence	Schneebell
Barchfeld	Fletcher	Le Fevre	Scroggy
Bede	Fordney	Legare	Shartel
Bennet, N. Y.	Foss	Lester	Sibley
Birdsall	Foster, Ind.	Lindsay	Small
Bishop	Fowler	Little	Smith, Cal.
Blackburn	Gaines, Tenn.	Littlefield	Smith, Ky.
Bowie	Gaines, W. Va.	Lorimer	Smith, Wm. Alden
Bradley	Garber	McCleary, Minn.	Smith, Pa.
Broussard	Gardner, N. J.	McCreary, Pa.	Southall
Burgess	Gilbert, Ky.	McDermott	Sparkman
Burke, S. Dak.	Glass	McLachlan	Stanley
Burleigh	Goebel	McLain	Sterling
Burnett	Greene	McMorran	Sullivan, N. Y.
Burton, Del.	Griggs	Martin	Sulzer
Burton, Ohio	Gronna	Meyer	Taylor, Ala.
Butler, Pa.	Gudger	Michalek	Trimble
Butler, Tenn.	Hardwick	Mondell	Tyndall
Calder	Haskins	Moore	Van Duzer
Calderhead	Hearst	Morrell	Van Winkle
Cockran	Hitt	Olmsted	Vreeland
Cocks	Houston	Overstreet	Wadsworth
Cole	Howard	Page	Webb
Conner	Hubbard	Palmer	Webber
Currier	Huff	Patterson, N. C.	Weisse
Davey, La.	Hughes	Patterson, Tenn.	Welborn
Davidson	Humphreys, Miss.	Pearre	Wharton
Davis, W. Va.	Hunt	Powers	Woodyard
Dickson, Ill.	James	Pujo	
Dixon, Mont.	Jones, Va.	Rainey	
Dovener	Kahn	Ransdell, La.	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. BRADLEY with Mr. GOULDEN.

Mr. FOSS with Mr. MEYER.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. SHERMAN with Mr. RUPPERT.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. WELBORN with Mr. GUDGER.

Mr. DRAPER with Mr. FIELD.

Mr. COLE with Mr. GARBER.

Mr. WM. ALDEN SMITH with Mr. SHEPPARD.

Mr. REYNOLDS with Mr. McDERMOTT.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. LILLEY of Connecticut with Mr. REID.

Mr. HITT with Mr. LEGARE.

Mr. KNOPF with Mr. WEISSE.

Mr. HUFF with Mr. WOOD of Missouri.

Mr. JENKINS with Mr. SMITH of Kentucky.

Mr. DOVENER with Mr. SPARKMAN.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. BURKE of South Dakota with Mr. DAVEY of Louisiana.

Mr. BUTLER of Pennsylvania with Mr. BARTLETT.

Mr. DRISCOLL with Mr. RANDELL of Louisiana.

Mr. DALE with Mr. BOWIE.

Mr. SHARTEL with Mr. LITTLE.

Mr. WOODYARD with Mr. MAYNARD.

Mr. FULKERSON with Mr. CLAUDE KITCHIN.

Mr. HASKINS with Mr. LEVER.

Until May 24, 1906:

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Until Wednesday, May 23, 1906:

Mr. DICKSON of Illinois with Mr. WILLIAM W. KITCHIN.

For the day:

Mr. DIXON of Montana with Mr. PAGE.

Mr. PEARRE with Mr. TRIMBLE.

Mr. ROBERTS with Mr. SOUTHALL.

Mr. STERLING with Mr. VAN DUZER.

Mr. McMORRAN with Mr. PUJO.

Mr. McCREARY of Pennsylvania with Mr. TAYLOR of Alabama.

Mr. LORIMER with Mr. LINDSAY.

Mr. DUNWELL with Mr. HOUSTON.

Mr. GRONNA with Mr. HUMPHREYS of Mississippi.

Mr. KAHN with Mr. JAMES.

Mr. KNAPP with Mr. McLAIN.

Mr. LACEY with Mr. PATTERSON of Tennessee.

Mr. BURLEIGH with Mr. GILBERT of Kentucky.

Mr. CALDERHEAD with Mr. GLASS.

Mr. DAVIDSON with Mr. HEARST.

Mr. ANDRUS with Mr. BURNETT.

Mr. VREELAND with Mr. BUTLER of Tennessee.

Mr. ADAMS of Wisconsin with Mr. BROUSSARD.

Mr. SMITH of Iowa with Mr. HARDWICK.

Mr. RIVES with Mr. MOORE.

Mr. KETCHAM with Mr. RAINEY.

Mr. McCLEARY of Minnesota with Mr. JONES of Virginia.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BLACKBURN with Mr. SMALL.

For this vote:

Mr. OLMSTED with Mr. STANLEY.

Mr. LE FEVRE with Mr. LESTER.

Mr. LAWRENCE with Mr. LAMAR.

Mr. CONNER with Mr. HUNT.

Mr. BIRDSALL with Mr. FITZGERALD.

Mr. BARCHFELD with Mr. DAVIS of West Virginia.

Mr. ALEXANDER with Mr. BURGESS.

Mr. RODENBERG with Mr. HILL of Mississippi.

Mr. WILSON with Mr. COCKEAN.

Mr. LITTLEFIELD with Mr. CLAYTON.

Mr. FOSTER of Indiana with Mr. HOWARD.

Mr. BENNET of New York with Mr. ELLERBE.

Mr. SIBLEY with Mr. WEBB.

Mr. ACHESON with Mr. BANKHEAD.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19572—an urgent deficiency bill—with Mr. HOAR in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year 1906, and for other purposes.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the first formal reading of the bill be dispensed with.

The CHAIRMAN. Unanimous consent is asked that the first formal reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTAUER. Mr. Chairman, the necessity for this urgent deficiency bill arises from the fact that the appropriations for the current year for the fees of witnesses and the fees of jurors in the United States courts are now practically exhausted, and unless this provision be immediately made important judicial business will have to be postponed, to the detriment of the service and actual increased expense to the Government. If United States marshals are without money courts may have to be adjourned, or it may give rise to the very undesirable sale of witness certificates. We find a large balance unused of the appropriation for the year 1905, and in consequence, rather than make a direct appropriation, this bill proposes the transfer of \$60,000 from the appropriation for 1905-6 for witnesses and \$30,000 for jurors.

The deficiency is one that could not have been anticipated. Expenses of this kind are contingent upon the business of the courts. This year there has been an extraordinary amount of business because of the large number of land-fraud cases in the western districts and cases for using the mails to defraud, in which many witnesses were necessary.

The other item of the bill is an appropriation of \$25,000 made necessary to meet the expenses of opening to entry and settlement two reservations now ready to be opened under the law. It is the purpose of the Commissioner of the General Land Office to open the Crow Reservation in Montana, now ready, about the 15th of June, and the Shoshone Reservation, in Wyoming, about the 15th of August. In order to provide for the clerical force and have them on the ground at these dates an appropriation must be made immediately, and particularly that settlers may erect houses and get the land under cultivation before winter sets in; and this bill submits an appropriation of \$25,000—

Mr. TAWNEY. Which is reimbursable.

Mr. LITTAUER. The expenses pertaining to the opening of each reservation are to be reimbursed to the United States from the sale of lands under the law. Now, Mr. Chairman, unless some one wants to ask some questions, I will ask that the bill be read.

Mr. WILLIAMS. How much general debate is there to be on the bill?

Mr. LITTAUER. I did not suggest any time.

Mr. WILLIAMS. You want to proceed at once with the reading of the bill?

Mr. LITTAUER. I want to proceed at once with the reading of the bill.

Mr. WILLIAMS. Then there would be no general debate. I want fifteen minutes.

Mr. TAWNEY. The gentleman from Georgia [Mr. LIVINGSTON], who is the ranking minority member of the committee,

stated that there was no request for general debate on this bill. Now, there are very urgent items in the bill, which can be passed in a very few moments if there is no objection.

Mr. WILLIAMS. I think I can get through in fifteen minutes.

Mr. LITTAUER. I will yield fifteen minutes to the gentleman from Mississippi.

Mr. TAWNEY. The Department of Justice is very desirous for this appropriation to be made available at the earliest possible moment. Some courts are in session now that will in a few days be compelled to close or adjourn unless the appropriation for jury fees and witness fees, especially, is made available. It simply transfers a balance.

Mr. WILLIAMS. The gentleman can yield to me for fifteen minutes?

Mr. LITTAUER. Mr. Chairman, I move that general debate on this bill close in fifteen minutes, and I will yield the gentleman from Mississippi that time.

The CHAIRMAN. The gentleman from New York asks unanimous consent—

Mr. WILLIAMS. Unanimous consent is not necessary. I ask the gentleman to yield me fifteen minutes; we are in Committee of the Whole House on the state of the Union.

Mr. GARDNER of Massachusetts. I raise the point of order against the motion of the gentleman. General debate can not be closed except by motion in the House or unanimous consent.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LITTAUER. I yield fifteen minutes to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, I wish to address myself to the defense of the House and of the Speaker, made, in my opinion, necessary by an article that appears in the Washington Post of this morning, from which it is very evident that the Post and the country are taking a very erroneous view of the motives and conduct of the Speaker of this House and the motives and conduct of the House itself. This article is headed:

CANNON gets quorum—How "Uncle Joe" puts WILLIAMS's tactics to rout.

Now, I want to read a part of it. It is headed "Speaker CANNON finds quorum." "Finds," not counts, in the significant word used.

"The Chair will count," said the Speaker, after one of Mr. WILLIAMS's points, and hastily glancing over the Chamber, the Speaker continued: "The Chair has counted up to 193 and has not finished the count."

SPEAKER CANNON FINDS QUORUM.

Everybody laughed, including JOHN SHARP WILLIAMS, who retorted: "There's no telling what the Speaker would have found had he finished." This brought forth renewed laughter.

At another time Mr. CANNON found a quorum almost instantly, and Mr. BEALL of Texas asked by what arithmetical process the Speaker reached his conclusion. Instantly the Speaker replied: "The Chair counted in blocks of ten, and there is a quorum present," which reply again convulsed the House with laughter, the Democrats enjoying it as much as did the Republicans.

From this it is evident, Mr. Chairman, that the press of the country, or a part of it at any rate, has conceived the notion that our innocent jokes upon the floor of the House about counting a quorum have gone to the point of making us condone in the Speaker what, of course, the Speaker has never done and what the Speaker would never do, to wit, dishonestly count a quorum when there was not a quorum present. There has not been a time when the Speaker has counted a quorum when I have not been aware of the fact that there was a quorum in the House at some time of the procedure of the count. I do not want the idea to go abroad, in justice to myself, that if the Speaker undertook to count a quorum when there was none present that it would strike me as a humorous procedure. Nor do I want the idea to go abroad that a man who has served the country so long and so faithfully and so honestly would undertake to count a quorum if it were not present, thereby putting an untruth into the Record. We have our laughs and our jokes about counting quorums, and we especially have our laugh about the manner in which the Speaker jerks his gavel while he is doing it; but I do not believe for one moment, and I hope that nobody else believes for one moment, that he would violate the sacred fundamental requirement of truth and the constitutional requirement of the manner in which we must legislate, to wit, with a quorum, or that he would regard that violation as a matter of humor, and I want nobody to believe that he would.

Section 5 of Article I of the Constitution says that "a majority of each House shall constitute a quorum to do business." Of course, the Speaker, like everybody else, is upon honor that when a quorum is demanded there shall be a quorum to do business. The only question that has ever arisen between the two parties has been as to how you should arrive at the fact of a quorum, whether by an answer on a roll call or by counting

those present. That point has been decided in favor of counting those actually present in order to constitute a quorum. But the last man in the United States who would undertake to count a quorum when there was none present would be the Speaker of this House. [Applause.] The Constitution then, as a part of that same section, recites, "and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal."

So that there are just two things that the rules themselves can not touch. They can not dispense with the requirement of a quorum to do business and they can not dispense with the constitutional right of a Member to demand that a quorum shall be present to do business. They can not dispense with the right of one-fifth of those present to call for the yeas and nays, under any pretense whatsoever, nor can they dispense with a yeas-and-nays vote when one-fifth of those present do rise for the purpose of getting the membership enrolled.

Now, Mr. Chairman, I am glad that the article read by me was published, because I am glad of the opportunity that presents itself to me as the floor leader of the minority to defend not only myself from the charge—or rather it is not a charge exactly, but from the supposition—that I could be so flippant as to regard as a joke a pretended or false ascertainment of a quorum of the House of Representatives by requirement of the Constitution, which is the master and creator of the House and of its rules, and in accordance with which all rules must have their life, and in nonaccordance with which any rule must have its death. I also welcome it as an opportunity to defend the Speaker against this assumption that he would treat this grave constitutional right as merely a matter of humor.

We have our fun in the House, and we ought to have it. We are grown-up boys, as all men are. Sometimes I am reminded when the Speaker counts a quorum in his characteristic way of doing it, but who arrives, as I always believe, at an honest belief in the actual presence of a quorum, of a story I heard not long ago about a lady, a man with a watch, and a small child. In calling for a count I am afraid sometimes I am actuated pretty much by the same motive as was this lady who continued to ask the time of day. She had a child with her who was crying, and there was in the station a man with a watch. She wanted to know the time of day, and asked the man if he could tell her. It happened that this man had a spasmodic, convulsive sort of way of moving his countenance, and the moment that the child saw it the child ceased crying, got into perfectly good humor, and began to laugh. The lady had discovered a method of keeping the child quiet. In a few moments the child was again crying, and the lady went back to the man and said: "Mister, I beg your pardon, but will you tell me the time again?" Being a courteous man, he told her again. The third time she came to him, and then a fourth, with short intervals elapsing. The fifth time the man said: "Madam, it seems to me that you ought to remember the time five minutes. I do not object to telling you, but why are you so anxious to get the time every five or ten minutes?" She said: "Mister, I am not asking because I want to know the time, but the movements of your countenance amuse my baby so that it is about the only thing that keeps him quiet." [Laughter.] So sometimes I expect that I want a quorum counted because the movements of the Speaker's gavel amuse us so that they keep the House quiet and put everybody in a good humor. [Laughter.]

But I want the country to understand that there is nobody in the House of Representatives that is laughing at or making a joke of the requirements of any part of the fundamental law of the Republic of the United States. [Applause.]

Mr. LITTAUER. Mr. Chairman, I now yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Chairman, this bill will be out of the way probably in a few minutes, and the motion will be made to go into Committee of the Whole House on the state of the Union to discuss the consular and diplomatic bill. I rise to ask the House to vote down that motion so that we can get at the immigration bill.

Now, Mr. Chairman, the session is getting close to an end, and to go into Committee of the Whole House on the state of the Union to discuss that bill and devote two days to making campaign speeches should not be permitted. Here is everybody saying that we want to adjourn quickly. We can not adjourn until we get the diplomatic bill out of the way, and there is a distinct movement to get us to adjourn before the immigration bill is out of the way. Now, I want to read you a list of important bills, which are privileged, that are coming up here, and see whether I am not just in asking action on the immigration bill. Here is the consular and diplomatic bill coming, the sundry civil bill coming, the general deficiency bill coming. If you

want to have campaign debates for two or three days put it on the general deficiency bill, after we have got rid of the main business, and not interject it in the middle of the session. Then comes immigration, child labor, naturalization, public buildings, and pure food; every one of them highly privileged, every one of them going to take time. Then there is the conference on the rate bill, the conference on the statehood bill, I hope, a conference on the Philippine tariff bill, and all that is going to take a long time, and they are going to try to beat the immigration bill out by not letting it come up.

Therefore I say, Mr. Chairman, the way to treat this matter is to vote down motions to go into Committee of the Whole to consider this appropriation bill, because we know that we will have to pass it later, whereas if we pass these bills we can not get away without passing this important legislation. I do not want to oppose any older or wiser man on the floor of this House, but I wish to point out to you that the pure-food bill has been through the Senate and is practically sure of action in this House if pressed. The immigration bill has not been through the Senate, and the sooner we can get action on it the better for us all. As for the appropriation bills, carrying as they do two or three days of general political debate, they can wait. They are bound to pass anyway, and then the general debate can be had on the last of them.

Therefore, Mr. Chairman, I hope that this House, when the vote comes as to whether or not it will go into Committee of the Whole House on the state of the Union to consider the diplomatic and consular appropriation bill, will vote "no." We will have that bill up later to a certainty, but may never have as good a chance again to get up the immigration bill.

Mr. LITTAUER. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, in reply to the gentleman from Massachusetts [Mr. GARDNER], I want to say to the House that the immigration bill has been made a privileged bill, and the only way that I can see how it can possibly escape consideration at this session is for us to go into a fight every time a bill is brought up, especially an appropriation bill, and try to defeat the motion in order to get at some of these other privileged bills. I think if the House goes on in the usual ordinary parliamentary way, with the preference that the House has already given the immigration bill, the gentleman will not have much trouble.

Mr. GARDNER of Massachusetts. Mr. Chairman, I will ask the gentleman from New York to yield me sufficient time in which to answer his colleague.

Mr. LITTAUER. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Chairman, the rules of the House give higher privilege, I know very well, to the diplomatic and consular appropriation bill, but it does not make any difference if it gives it the very highest privilege. If we want to get up the immigration bill we can vote down the motion to go into Committee of the Whole House on the state of the Union to consider the diplomatic bill, and no harm is done even if it has the highest privilege on the face of the globe. It is always subject to the question of consideration. I say vote that down and we will get to the immigration bill.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. LITTAUER. Yes.

Mr. FITZGERALD. I desire to know how this bill comes into the House.

Mr. LITTAUER. By recommendation of a majority of the Committee on Appropriations.

Mr. FITZGERALD. Did the committee ever consider this bill?

Mr. LITTAUER. Informally, this morning.

Mr. FITZGERALD. Is there such haste about this bill that it is necessary to report it without the committee meeting to consider it or being informed of it?

Mr. LITTAUER. The two items covered by the bill were of such a simple nature that the members of the committee who did consider it thought it could be reported to the House without a formal meeting of the committee by asking the assent of all those members of the committee who were in the neighborhood—a majority.

Mr. FITZGERALD. I would like to inquire of the gentleman what authority there is for reporting a bill that is not considered by the committee?

Mr. LITTAUER. The procedure has been followed a number of times before, where a bill of the simple, urgent nature of this bill was reported to the House with a favorable recommendation by a majority of the committee without holding a formal meeting of the committee. If the gentleman had been in

the neighborhood of the committee room his assent would have been asked, and I believe without doubt given. This is a deficiency bill.

Mr. FITZGERALD. I know that in the case of the emergency appropriation bill for the relief of the people of San Francisco the bill was called up here without being considered by a committee, because of its great urgency. So far as I am concerned, however, no matter how simple a bill may be, I believe the best results in legislation are obtained by having bills submitted properly at a meeting of the committee that has jurisdiction of them.

Mr. LITTAUER. And the gentleman well knows that that is frequently done with bills of this character by the Committee on Appropriations; so frequently, in fact, that the practice is justified by custom.

Mr. FITZGERALD. Well, I am not so sure of the advisability of the practice, and it is not a practice that I shall approve, however prevalent it may have been in the past. Here is a bill reported, not printed in a way that any Member can obtain a copy of it, and called up for action. But for the fact that I and several other members of the committee with whom I have consulted happened to be here, the bill would have been passed, upon the theory that it had been acted upon by the committee, whereas, as a matter of fact, it was never submitted to the committee. I simply wish to say that, so far as I am concerned, if I happen to be present when a bill is brought into the House, apparently reported by a committee, but not as a matter of fact, I shall interpose a point of order against the consideration of the bill. I say that now so that hereafter notice at least will be given to members of the committee, so that they shall have an opportunity to know what the committee is supposed to be doing. Otherwise there will be very little advantage or benefit derived from the presence of some members on the committees of the House.

Mr. LITTAUER. Mr. Chairman, unless there be desire for further debate or amendment to this bill, I move that the committee do now rise and report the bill with a favorable recommendation to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOAR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17359) making appropriations to supply additional urgent deficiencies in appropriations for the fiscal year 1906, and for other purposes, and had directed him to report the same back to the House with a recommendation that the bill do pass.

Mr. LITTAUER. Mr. Speaker—

Mr. UNDERWOOD. Mr. Speaker, I desire to make a parliamentary inquiry—

Mr. LITTAUER. I move the previous question on the bill to its passage.

The SPEAKER. The gentleman from Alabama will state his parliamentary inquiry.

Mr. UNDERWOOD. Mr. Speaker, I desire to find out—I have no objection to this bill, I think it is all right—but I desire to inquire how this bill got before the House.

The SPEAKER. It was reported by the gentleman from New York.

Mr. UNDERWOOD. I understood the gentleman a moment ago to say in answer to his colleague that this bill had not been reported by the Committee on Appropriations.

Mr. LITTAUER. The bill has been reported with the assent of a majority of the Committee on Appropriations; a formal meeting of the committee was not held.

Mr. UNDERWOOD. Then I do not suppose it was reported. If a majority of the committee can meet without notice to the minority, without official action, I certainly do not think that is a proper report, and I do not think, Mr. Speaker—

Mr. KEIFER. Regular order!

Mr. UNDERWOOD. Well, I am making a point of order, which is the regular order.

The SPEAKER. What is the gentleman's point of order?

Mr. UNDERWOOD. The point of order is this, that this bill, according to the statement of the gentleman from New York, has not been reported to the House by the committee. It has not been printed, either, for the House after being reported from the committee.

Mr. TAWNEY. Mr. Speaker, I make the point of order that the point of order comes too late. This bill is now before the House with a formal report from the Committee of the Whole House on the state of the Union. The time for making the point of order, if there was any, was when the bill was up in the committee.

The SPEAKER. The Chair is prepared to rule, and over-

rules the point of order which the gentleman from Alabama makes. Turning to page 635 of the Manual and Digest the Chair finds the following decision: "The House having voted to consider a report it is too late to question whether or not the report has been made properly." Now, not only—

Mr. UNDERWOOD. But, Mr. Speaker—

The SPEAKER. One moment. Not only the House has actually considered it by referring it to the Committee of the Whole House on the state of the Union, but that committee has reported it; the big committee consisting of all the members of the House has reported it back to the House with the recommendation that it do pass, and the Chair could not under the precedents, and the principle if there were no precedents, nullify by a ruling the action of the great committee and of the House in referring the bill to that committee for consideration.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will bear with me on that point for a minute, I want to state this on the point of order. There is nothing the matter with the bill; I have no objection to it, but—

Mr. TAWNEY. I make the point of order there is nothing before the House except the previous question.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. TAWNEY. The point of order has been decided.

Mr. UNDERWOOD. But the Chair can hear me if he desires to do so.

The SPEAKER. The Chair has discretion to hear the gentleman, very briefly indeed.

Mr. UNDERWOOD. I only ask for a few minutes, Mr. Speaker, and I wish to say this because it is of importance to the minority. The gentleman from New York states to the House that he reported the bill to the House and the House presumed that he did report it from the committee—

The SPEAKER. The Chair does not desire to hear the gentleman upon that point.

Mr. UNDERWOOD. But that is what I want to say—

The SPEAKER. That is in the nature of debate and criticism as to the propriety of action.

Mr. UNDERWOOD. No—

The SPEAKER. The House has acted.

Mr. UNDERWOOD. And I am making a point on that. Now, why did the House act? Because the House was not informed and was not informed until it got into the Committee of the Whole House on the state of the Union as to the status of the case, and therefore I say it is not in line with the decision—

The SPEAKER. That might have been an argument or may be an argument for the rejection of the bill, but the gentleman from New York demands the previous question, and the Chair only deals with the point of order. What the ruling of the Chair would have been if it had been made in time is not necessary to say and the Chair is not advised, but the Chair can say to the gentleman that the House referred this bill to the Committee of the Whole and that committee reported it back after consideration with the recommendation that it do pass, and it is clearly too late—

Mr. UNDERWOOD. Mr. Speaker, with all due respect to the Chair, I respectfully appeal from the ruling of the Chair on the question, and I wish to say for this reason—

Mr. PAYNE. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from New York moves to lay the appeal on the table.

Mr. UNDERWOOD. Well, Mr. Speaker, I would ask the gentleman from New York to allow me—

Mr. PAYNE. Oh, the gentleman has been indulged—

Mr. UNDERWOOD. I have not had an uninterrupted chance to state the reason why I do not think this procedure should take place, and I ask unanimous consent to proceed for five minutes.

Mr. PAYNE. Will the gentleman withdraw his appeal?

Mr. UNDERWOOD. If I could speak to the bill I would not make an appeal.

Mr. PAYNE. If the gentleman gets unanimous consent to speak for five minutes on this question, will he withdraw his appeal?

Mr. UNDERWOOD. If the gentleman will withdraw his motion, I will withdraw my appeal.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Alabama [Mr. UNDERWOOD] is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I want to say there is no objection to this bill. It is a meritorious one, but I do say it is a serious proposition to take up a bill that has not been reported and concerning which the minority members of the committee have not been informed that it was going to be

brought before this House, taken up contrary to the rules of the House, not printed, no information given concerning it, and then put on its passage in this way. I do not think that the House ought to accept that proposition. It is not fair to the minority side of the House nor is it fair to the individual Members of the House. The rules are established in the House of Representatives for the protection of the minority and for the protection of the individual Members of the House, and if you establish a precedent that a gentleman can present a bill on this floor, stating that it is reported by a committee and then afterwards it turns out that it is merely a private consultation of the majority members of the committee, as I understand my friend from New York [Mr. LITTAUER] says it was, and the minority members not informed—

Mr. LITTAUER. Will the gentleman permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. LITTAUER. The gentleman was formerly a member of the Committee on Appropriations. In his experience has not this same procedure been held before?

Mr. UNDERWOOD. But when it has come it has come by the unanimous consent of the House.

Mr. LITTAUER. Of the House?

Mr. UNDERWOOD. When a bill has been brought here, an urgent deficiency bill that has not been considered by the committee universally, unanimous consent has been asked for its consideration, and it has no right to be considered under the rules of this House unless it has first gone to a committee, as the gentleman from New York [Mr. LITTAUER] well knows, and unless the unanimous consent of this House is obtained. I repeat that it is not treating the minority fairly, and it is not treating the individual membership of this House fairly, to bring a bill here, no matter how meritorious it is, without complying with the rules of the House or receiving unanimous consent to violate them.

Mr. LITTAUER. Mr. Speaker, I renew my motion.

The SPEAKER. The gentleman from New York [Mr. LITTAUER] moves the previous question.

The question was taken; and the Chair announced that the "noes" seemed to have it.

Mr. LITTAUER. Division, Mr. Speaker.

The House divided, and there were—yeas 101, nays 55.

Mr. WILLIAMS. No quorum present, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-five Members are present—a quorum. So the previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. WILLIAMS. Mr. Speaker, let us have the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER (after counting). Thirty-nine Members have arisen—not a sufficient number—

Mr. WILLIAMS. The other side, Mr. Speaker.

The other side was taken.

The SPEAKER (after counting). Upon this demand the yeas are 39, and nays 140—a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 159, nays 49, answered "present" 25, not voting 148, as follows:

YEAS—159.

Adams, Pa.	Cromer	Graham	Lawrence
Allen, Me.	Crumpacker	Granger	Le Fevre
Bannon	Curtis	Grosvenor	Lilley, Pa.
Barchfield	Cushman	Hale	Littauer
Bartholdt	Dalzell	Hamilton	Lloyd
Bates	Darragh	Hayes	Longworth
Beldler	Davis, Minn.	Hedge	Loud
Bennet, N. Y.	Dawes	Henry, Conn.	Loudenslager
Bennett, Ky.	Dawson	Hermann	Lovering
Bingham	De Armond	Higgins	McCall
Birdsall	Deemer	Hill, Conn.	McCarthy
Blackburn	Denby	Hinshaw	McGavin
Bonyne	Dunwell	Hoar	McKinlay, Cal.
Boutell	Dwight	Holliday	McKinley, Ill.
Bowersock	Edwards	Hopkins	McKinney
Brick	Ellis	Howell, N. J.	McLachlan
Brooks, Colo.	Esch	Howell, Utah	Madden
Brownlow	Fassett	Hubbard	Mahon
Buckman	Fitzgerald	Hull	Marshall
Burke, Pa.	Foster, Ind.	Humphrey, Wash.	Miller
Campbell, Kans.	Foster, Vt.	Hunt	Mondell
Campbell, Ohio	Fowler	Jones, Wash.	Moon, Tenn.
Capron	French	Keifer	Mouser
Cassel	Gardner, Mass.	Kennedy, Nebr.	Murdock
Chaney	Gardner, Mich.	Kennedy, Ohio	Murphy
Chapman	Gardner, N. J.	Kinkaid	Needham
Cocks	Gill	Klepper	Nevin
Conner	Gillett, Cal.	Knowland	Norris
Cooper, Pa.	Gillett, Mass.	Lafear	Olcott
Cooper, Wis.	Goldfogle	Landis, Chas. B.	Overstreet
Cousins	Graft	Landis, Frederick	Padgett

Payne	Scott	Stafford	Wachter
Perkins	Sibley	Steenerson	Watson
Pollard	Slomp	Stevens, Minn.	Weeks
Rhodes	Smith, Cal.	Sulloway	Weems
Richardson, Ala.	Smith, Md.	Tawney	Wiley, N. J.
Rosenberg	Smith, Samuel W.	Thomas, Ohio	Wood, N. J.
Ryan	Smyser	Tirrell	Young
Samuel	Southwick	Townsend	Zenor
Schneebell	Sperry	Volstead	

NAYS—49.

Alken	Garrett	Macon	Smith, Tex.
Bankhead	Gillespie	Moore	Spight
Beall, Tex.	Glass	Patterson, S. C.	Stanley
Bell, Ga.	Gregg	Pou	Stephens, Tex.
Bowers	Hay	Randall, Tex.	Talbot
Brantley	Hefflin	Rhinock	Thomas, N. C.
Brooks, Tex.	Henry, Tex.	Rixey	Underwood
Burgess	Houston	Robertson, La.	Wallace
Candler	Howard	Robinson, Ark.	Watkins
Clark, Mo.	Humphreys, Miss.	Russell	Williams
Dixon, Ind.	Kitchin, Claude	Sherley	
Flood	Kline	Sims	
Floyd	Lee	Slayden	

ANSWERED "PRESENT"—25.

Bartlett	Fulkerson	Lever	Towne
Brundage	Fuller	Lilley, Conn.	Wanger
Clayton	Goulden	Maynard	Welborn
Dale	Hardwick	Powers	Wood, Mo.
Davey, La.	Jenkins	Rucker	
Driscoll	Johnson	Sheppard	
Finley	Lamb	Sherman	

NOT VOTING—148.

Acheson	Field	Lester	Richardson, Ky.
Adams, Wis.	Flack	Lewis	Rives
Adamson	Fletcher	Lindsay	Roberts
Alexander	Fordney	Little	Ruppert
Allen, N. J.	Foss	Littlefield	Scroggy
Ames	Gaines, Tenn.	Livingston	Shackleford
Andrus	Gaines, W. Va.	Lorimer	Shartel
Babcock	Garber	McClary, Minn.	Small
Bede	Garner	McCreary, Pa.	Smith, Ill.
Bishop	Gilbert, Ind.	McDermott	Smith, Iowa
Bowie	Gilbert, Ky.	McLain	Smith, Ky.
Bradley	Goebel	McMorran	Smith, Wm. Alden
Broussard	Greene	McNary	Smith, Pa.
Brown	Griggs	Mann	Snapp
Burke, S. Dak.	Gronna	Martin	Southall
Burleigh	Gudger	Meyer	Southard
Burleson	Haskins	Michalek	Sparkman
Burnett	Haugen	Minor	Sterling
Burton, Del.	Hearst	Moon, Pa.	Sullivan, Mass.
Burton, Ohio	Hepburn	Morrell	Sullivan, N. Y.
Butler, Pa.	Hill, Miss.	Mudd	Sulzer
Butler, Tenn.	Hitt	Olmsted	Taylor, Ala.
Byrd	Hogg	Otjen	Taylor, Ohio
Calder	Huff	Page	Trimble
Calderhead	Hughes	Palmer	Tyndall
Clark, Fla.	James	Parker	Van Duzer
Cockran	Jones, Va.	Parsons	Van Winkle
Cole	Kahn	Patterson, N. C.	Vreeland
Currier	Kelher	Patterson, Tenn.	Wadsworth
Davison	Ketcham	Pearre	Waldo
Davis, W. Va.	Kitchin, Wm. W.	Prince	Webb
Dickson, Ill.	Knapp	Pujo	Webber
Dixon, Mont.	Knopf	Ralney	Weisse
Dovener	Lacey	Randsell, La.	Wharton
Draper	Lamar	Reeder	Wiley, Ala.
Dresser	Law	Reid	Wilson
Ellerbe	Legare	Reynolds	Woodyard

So the bill was ordered to be engrossed for a third reading, and read the third time.

The following additional pairs were announced:

Balance of the day:

Mr. LOBIMER with Mr. LAMAR.

On this vote:

Mr. OLMSTED with Mr. SULLIVAN of Massachusetts.

Mr. PRINCE with Mr. McNARY.

Mr. PALMER with Mr. LEWIS.

Mr. RIVES with Mr. LIVINGSTON.

Mr. MANN with Mr. LESTER.

Mr. CALDER with Mr. KELIHER.

Mr. HEPBURN with Mr. HILL of Mississippi.

Mr. HAUGEN with Mr. ELLERBE.

Mr. FLETCHER with Mr. CLARK of Florida.

Mr. BABCOCK with Mr. BURLESON.

Mr. WILSON with Mr. COCKRAN.

Mr. ALEXANDER with Mr. SHACKLEFORD.

Mr. LITTLEFIELD with Mr. CLAYTON.

Mr. STANLEY. Mr. Speaker, how am I recorded as voting?

The SPEAKER pro tempore (Mr. CURTIS). The gentleman is not recorded.

Mr. STANLEY. I would like to have my name recorded.

The SPEAKER pro tempore. Was the gentleman present and listening when his name should have been called?

Mr. STANLEY. I was not here when my name was called.

The SPEAKER pro tempore. The gentleman's name can not be called.

Mr. BURLESON. How is my name recorded?

The SPEAKER pro tempore. The gentleman's name is not recorded.

Mr. BURLESON. In order that there may be no doubt about a quorum being present, I desire to vote "present."

The SPEAKER pro tempore. There is a quorum present.

Mr. MANN. How am I recorded?

The SPEAKER pro tempore. The gentleman is not recorded.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. LITTAUER, a motion to reconsider the vote by which the bill was passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907; and, Mr. Speaker, pending that motion, I would like to ask the gentleman from Virginia, whom I believe is in charge of the bill on the other side, how much time he desires for general debate?

Mr. BURLESON. The gentleman is not present, but I know there is a request for forty-five minutes.

Mr. GARDNER of Massachusetts. I raise the point of order that we can not set the time for general debate now.

The SPEAKER pro tempore. The House will be in order.

Mr. GARDNER of Massachusetts. I rise to a question of order.

The SPEAKER pro tempore. The gentleman will state his question of order.

Mr. GARDNER of Massachusetts. I raise the question of order that they can not settle debate on going into Committee of the Whole when there has been no debate.

The SPEAKER. Only by unanimous consent. Is there objection?

Mr. GARDNER of Massachusetts. I object.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I have moved that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, and on that I move the previous question.

Mr. GARDNER of Massachusetts. I rise to a parliamentary inquiry.

The SPEAKER. One moment. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Would it be in order for me to amend the motion of the gentleman by substituting—

The SPEAKER. The gentleman demands the previous question.

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the previous question is not in order on a motion to go into Committee of the Whole to consider a particular bill.

The SPEAKER. This motion, the Chair finds, after consulting one who knows the precedents, is not amendable and is not debatable.

Mr. GARDNER of Massachusetts. Then I hope it will be voted down, to get at the immigration bill. [Cries of "Regular order!"]

The question was taken on the motion to go into Committee of the Whole; and the Speaker announced that the ayes seemed to have it.

Mr. GARDNER of Massachusetts. Division, Mr. Speaker.

The House divided; and there were—ayes 101, noes 27.

Mr. WILLIAMS. Mr. Speaker, there happens to be no quorum present, as disclosed by the vote.

The SPEAKER. The roll call has just disclosed the presence of a quorum.

Mr. WILLIAMS. But I think that, as the Speaker well knows, is no evidence of the fact that a quorum is in the Hall now.

The SPEAKER. Under the practice—

Mr. WILLIAMS. If the Speaker will count the House at this time he will discover no quorum.

The SPEAKER. Under the practice, a vote having just been taken by the yeas and nays, the most accurate way of taking it, disclosed a quorum—

Mr. WILLIAMS. But, Mr. Speaker, I make the point of order that whether a quorum was disclosed at that time or not, there is not a quorum in the Hall now.

The SPEAKER. The Chair overrules the point. There is a quorum present. The ayes have it, and the House determines to go into Committee of the Whole—

Mr. GARDNER of Massachusetts. A parliamentary inquiry. The SPEAKER (continuing). And the gentleman from Kansas will take the chair.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The CHAIRMAN. All gentlemen will be seated.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The CHAIRMAN. The committee will be in order.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Chairman.

Mr. ADAMS of Pennsylvania. Mr. Chairman—

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill.

Mr. GARDNER of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER of Massachusetts. I was on my feet awaiting recognition for a verification of the vote by which the House went into Committee of the Whole. As soon as the gentleman from Mississippi had finished—

The CHAIRMAN. The Chair is ready to answer the question. The present occupant of the chair was not in the chair in the House and knows nothing of what occurred then. We are now in Committee of the Whole House on the state of the Union.

Mr. GARDNER of Massachusetts. Then, Mr. Chairman, I move that the committee do now rise for the purpose of ascertaining the correctness of the vote by which the House went into Committee of the Whole.

Mr. ADAMS of Pennsylvania. Mr. Chairman—

Mr. GROSVENOR. The gentleman has no right to take the gentleman from Pennsylvania off his feet to make that motion.

Mr. ADAMS of Pennsylvania. Mr. Chairman, the House is in Committee of the Whole House on the state of the Union for the consideration—

Mr. WILLIAMS. A point of order, Mr. Chairman.

Mr. ADAMS of Pennsylvania (continuing). Of the diplomatic and consular appropriation bill, and I move that the first reading of the bill be dispensed with.

The CHAIRMAN. The committee will be in order before any business is transacted, and every gentleman will take his seat.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry. The gentleman from Massachusetts [Mr. GARDNER] has moved that the committee do now rise. To that motion the Chair has thus far given no recognition. I submit that the gentleman was perfectly within his right and in order when he made that motion.

Mr. GARDNER of Massachusetts. Mr. Chairman, I claim the floor, having made the motion.

The CHAIRMAN. The Chair recognizes the right of the gentleman from Massachusetts to move that the committee do now rise, and will submit the question to the committee for its action.

Mr. ADAMS of Pennsylvania. Mr. Chairman—

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts that the committee do now rise.

The question being taken, on a division (demanded by Mr. GARDNER of Massachusetts) there were—ayes 43, noes 85.

Accordingly the motion was rejected.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I ask unanimously consent that the first reading of the bill be dispensed with.

Mr. WILLIAMS. To that I am compelled to object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The Clerk will read the bill.

The Clerk read the bill in full.

Mr. ADAMS of Pennsylvania. Mr. Chairman, in submitting the diplomatic and consular appropriation bill for the coming fiscal year I would state that owing to the permanency of the service there is not very much change from year to year in the items as submitted for the consideration of the House. This is more than usually true of the present bill, owing to the passage at this session of the bill for the reorganization of the consular service, in which we fixed the salaries of all the consular officers; so that really your committee, in the consideration of this bill, took no account of those items in that bill.

The principal changes in the bill are, first, the raising of

the salaries of some of the ambassadors to the same amount—\$17,500—as the others. This was done, first, at the recommendation of the State Department, and, second, because the elevation of the office carries with it naturally increased expenses. But there was another reason which I think will appeal strongly to the common sense of this House, and that is that it will create several ambassadorships at posts where the salary will be adequate, so that a man without large means can accept the honor at the hands of his country and represent it abroad, though his pocket be not filled with millions.

In the choosing of our representatives abroad it is one of the disadvantages that the pecuniary question has to enter so largely, for at the present salaries allowed by the Congress of the United States it is impossible for our ambassadors at any of the leading posts to go there and live in a way that is in keeping with the dignity of this country without expending more money than the amount of the salary. Nay, more, the ambassador is not in a position to return the hospitality of his colleagues, a dilemma in which, I think, no American would like to find himself.

Your committee, while recognizing the estimates handed in by the State Department, have tried very hard to exercise that conservative spirit to meet the judgment of the House, and we have only allowed increases where, after careful scrutiny and examination, we have felt that it was absolutely necessary. For the information of the House in a general way I will state that the estimates amounted to \$3,760,117.17, an increase of more than \$1,500,000 over the bill of last year. This bill which we submit to you provides for a total sum of \$2,744,969.17, only an increase of \$260,962.45 over the existing law, and a decrease of \$1,000,000 from the estimates as submitted by the Department. Such careful revision as that I feel sure will meet the approval of the House.

With the other items there is an increase of \$5,000 for the extension of chargé d'affaires ad interim. Clerks at embassies, \$32,000; but when I tell you that in the deficiency bill brought in this year there was a deficiency last year of \$30,000, you will see that there is scarcely any increase. For six students at the embassy of Japan under similar terms as that existing in China to-day, we have allowed \$6,000. This was strongly urged not only by the State Department, but by the business interests of the country, because with the new era and the new plan established to open up the trade relations with Japan, as our people are not familiar as a rule with the language of that country, it was deemed essential that these students should acquire and learn the language of Japan, so as to become interpreters at the consulships and aid the advertising of the trade of the country.

Two additional clerks at the embassy at London are allowed for, at a moderate salary, and for the reason which I will explain more at length when we come to the item of the new scheme proposed by the Secretary of State for the improvement and gathering of news and spreading it among our diplomatic agents abroad so that each one at every post may be thoroughly conversant with what is going on at the post where his colleagues are established.

There is a small item of \$5,070.41 for the reerection of a consulate that was destroyed in Tahiti by a cyclone. The contingent fund has been increased by a small amount, but much less than that asked for by the Department. For the last year the contingent fund of the diplomatic service was \$190,000. The Department asked for \$340,000, and we have given them \$225,000—an increase of \$35,000. When I tell you that the expenses of our Department grows from year to year, this is moderate.

In the consular service the need was more pressing. To-day the contingent fund in the Department is entirely exhausted, and consuls are compelled to pay their own postage and other expenses out of their own pockets or the service would come to a standstill.

Mr. BATES. Would it disturb the gentleman if I asked him a question?

Mr. ADAMS of Pennsylvania. I would rather answer the question when we come to the items in the bill.

Mr. BATES. I would like to ask the gentleman at this point if there is any provision in this bill for the employment of what are now called "consular inspectors," who, under the direction of the State Department, visit the field and call upon the consuls with special reference to their reporting trade statistics and the chances for the extension of commerce in their field?

Mr. ADAMS of Pennsylvania. I will state that in the act passed at the beginning of this session there was a provision for the establishment of five inspectors to visit the consuls and inspect them and pass upon their efficiency. It was a new

feature and introduced at the urgent request of the Secretary of State, and it is hoped it will aid materially in the efficiency of the service in the future.

Mr. BATES. Does not that feature really add to the duties of all the consuls in the field a new function that they never have performed before—that is, to be the eyes and ears of the Government in the way of trade development?

Mr. ADAMS of Pennsylvania. I can not state that, because these functions have always been supposed to adhere to the consular service before. The difference between the diplomatic and consular service lies especially in the fact that the consular service is the business branch of the Government, while the diplomatic service has entirely different functions. The consuls are supposed to represent the business interests of our country; they are supposed to inquire into the needs of the countries, gather statistics, and report them to the State Department. In reply to the gentleman from Pennsylvania, I will say that the duties of these new inspectors are not new, because the consuls have frequently instituted those inquiries before. The object of these inspectors is principally to visit and inspect and see that the consuls live up to and report the practical information for our merchant and business men. The total compensation provided in the bill for consuls-general and consular inspectors is \$1,058,000. That is appropriated in a lump sum and was made necessary by the bill which I have already adverted to, which was passed at this session of Congress.

Mr. JOHNSON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMS of Pennsylvania. Yes.

Mr. JOHNSON. I would like to inquire whether the amount follows strictly the amount as fixed in the bill that passed about thirty or forty days ago?

Mr. ADAMS of Pennsylvania. To the penny.

Mr. JOHNSON. There are no increases from that bill?

Mr. ADAMS of Pennsylvania. Not a penny.

Mr. JOHNSON. I would like to ask the gentleman another question. Are there increases in the salaries of the ambassadors or the clerks over the rates fixed by the existing law?

Mr. ADAMS of Pennsylvania. There are increases in the salaries of some in the diplomatic service and also in the salaries of some of the clerks, which will appear when we get to the items of the bill. As I have already said, the salaries of the four new ambassadors have been raised to conform to the salaries of the other ambassadors, namely, \$17,500.

Mr. JOHNSON. What is the salary now? Is it a raise from \$12,000 to \$17,500?

Mr. ADAMS of Pennsylvania. Yes.

Mr. FLOOD. It is a raise from \$12,000.

Mr. ADAMS of Pennsylvania. I would state further to the gentleman that some of them have been recently created, and in that case the salary had not been fixed at all. The office was formerly occupied by ministers.

Mr. JOHNSON. Does not the gentleman think a mistake has been made in equalizing the salaries paid at the smaller courts with those paid at such a court as the Court of St. James and other places of greater importance?

Mr. ADAMS of Pennsylvania. If the gentleman listened to what I said a moment ago—

Mr. JOHNSON. I am very sorry to state that I was not in the room at the time the gentleman spoke.

Mr. ADAMS of Pennsylvania. I rather congratulated the House on this provision, and for this reason, that heretofore the expense of our embassies has been so great that really nobody could take the office except a wealthy man, but in the creation of the office, for instance at Tokyo, at Brazil, at Vienna, a man of moderate means could go there and live on the salary of \$17,500 as the representative of our country should live. I think this provision opens the door for the promotion of men distinguished in public life through their brains and not through their pocketbooks, and makes it possible for them to accept this distinction at the hands of their country to represent it and be paid a salary commensurate with the office and its dignity.

Mr. JOHNSON. That is a very patriotic speech.

Mr. ADAMS of Pennsylvania. Well, Mr. Chairman, I am but representing the views of the committee, or at least trying to.

In conclusion, I would say that in the debate, when we come to consider the bill item by item, there will be various things which, I think, will appeal to the judgment of the House; but there is one in particular, which comes under a general head, to which I wish to refer now. Our present Secretary of State has a proposition which, I think, will add very materially to the practical side of our diplomatic service. It has been necessary heretofore, when we wish to send out information to our

representatives abroad, that separate cables should be sent from the State Department, at great expense, in order that they might know what was going on. The Secretary proposes a scheme something like this: That the embassy at London should be made, if you will, a clearing house for news, that a general cable instruction, for instance, be sent to London, and from there within twenty-four hours mailed to nearly all of the neighboring embassies, so that they can all be informed of what is going on at home and at the embassies in their immediate neighborhood. So, too, reports would be gathered from all of the different embassies and legations and mailed to London, and from there may be transmitted to America at the expense of one cable. It is not, however, so much a matter of money as it is of obtaining complete information, for this plan will give to each ambassador and minister at the several posts information of what is going on, so that they will know at their respective posts the exact situation of affairs. It often chances that, in ignorance of that information, something may be going on and taking place at a post, and the ambassador or minister there is not cognizant of it at all, or does not know what is going on at the other posts, and so is not in a position to take in the full significance of what is transpiring under his observation. I consider this is one of the best schemes which have been devised for some time.

I reserve the balance of my time, Mr. Chairman, and I now yield to the gentleman from Virginia [Mr. Flood].

The CHAIRMAN. The Chair would like to state that there has been no agreement with reference to time, and unless some other agreement is entered into by unanimous consent the Chair will recognize the gentleman from Virginia.

Mr. FLOOD. Mr. Chairman, I desire to submit a few remarks upon the bill, but as some of my colleagues desire to speak to-day, not being able to be here to-morrow, I now yield thirty minutes to the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. Mr. Chairman, this session of Congress is supposed to be drawing near its close. The Members on this side and the people of this country had until recently hoped for some remedial legislation against the flagrant and open abuses prevalent at this time in all departments of the Federal Government and in all parts of the Union.

REPUBLICAN PROMISES.

The Republican party leaders in the last campaign stoutly asserted that all needed reforms would be made if the Republican party were continued in power. The result of the election again intrusted to the Republicans every branch of the Government. They have absolutely full control and plenary power. They have not only a working majority, but an overwhelming majority in both Houses of Congress. Their failure to enact needed legislation is without the shadow of excuse. Such failure can be accounted for only on one of two propositions:

- First, their inability to perform the task, or,
- Second, their determination not to do it.

In either event they have shown themselves to be unworthy of the trust confided to them, and should be dismissed from power. With a flourish of trumpets these Republican leaders said, among other things, that the great railroad corporations and common carriers should be regulated by law, and that the tariff should be "revised by its friends."

URGENT REASONS WHY PLEDGE SHOULD BE KEPT.

There are abundant reasons why this pledge should be fulfilled. The transportation companies have in their grip the business interests of the whole country and are controlling to their own advantage the price of labor and the selling price of nearly every commodity. The producer and the consumer are alike their victims. They are engaged in different lines of business, outside of transportation as carriers, affecting practically all the necessities of life. They are combining and merging all they can by law and all they please without law. There seems to be no statute so close but they can find a loophole through it. They are doing their own will without let or hindrance.

The last general tariff law, commonly known as the "Dingley Act," was passed by Congress nearly ten years ago. It is known as a high protective tariff. Many of its most important schedules were admittedly too high, and were secured in the bill on the specious pretense that they would assist in procuring favorable reciprocity treaties, and would thereby be reduced to a proper rate. The bill stands to-day the same as it was enacted, with a few unimportant exceptions.

"REPUBLICAN MACHINE" HYPOCRITICAL PRETENSE.

What has been done by the leaders who constitute and run the "Republican machine" in this Congress? Unqualifiedly, nothing, except to make a hypocritical pretense as to some

things and to unblushingly advocate the "stand-pat" doctrine in other things.

Making a pretense of regulating the railroads, a bill was framed satisfactory to the chairman of the Interstate Commerce Committee and rushed through this House. The Democrats were compelled to take it as dictated by the "machine," or have no part in framing it. Yielding to patriotic desire to do the best that was possible under the circumstances, they got some small concessions and voted for the bill, hoping to get some further relief by amendments in the Senate, where debate was allowed and some real opportunity afforded to better the measure. But the country should not overlook the miserable condition of affairs in the House of Representatives, where a few men in power, with iron hand, dictate all legislative action. Were it not so serious it would be a joke on representative government. The Interstate and Foreign Commerce Committee is not constituted to give relief from railroad mismanagement; and all the great committees of the House have been organized to do the bidding of the political machine controlling Congressional action.

The result of all this will be a weak railroad rate bill calculated to give little or no real relief. I do not wish to speak from the standpoint of a scold nor to unjustly find fault, but it is time that the real status of affairs be understood by the people. There is ample intelligence in this Congress to rightly frame legislation on any subject before it. It is not a lack of ability; it is a determination to stand by the corporations who furnish the campaign funds and keep the party in power.

THE PEOPLE'S RIGHTS TRADED BY THE "MACHINE."

It is a statement generally asserted and believed that the "stand-pat" machine in the House, which is opposed to tariff revision, had some sort of an agreement with the Administration by which the tariff issue should be sidetracked and a pretense be made to pass a satisfactory railroad rate bill. That certainly seems to be the fact. It is all pretense, nothing real. The trusts are safe; wealth, produced by the toiling masses, is still constantly pouring into the coffers of the great incorporated and legalized monopolies. The consequent concentration of wealth, so great in amount as to stagger the comprehension of human intellect, is a greater menace to free government than all the armed hosts of its enemies.

The completeness with which the Republican party has deserted the people's interests is apparent in its treatment of every vital question before Congress.

THE RIGHT OF LOCAL SELF-GOVERNMENT DESPISED.

The right of local self-government is a hated Democratic doctrine, as are also individualism and personal liberty. In order to stand with the liquor dealers, the mask of hypocrisy has been used to deceive the people while denying them just relief from the abuses of the interstate liquor traffic. The "Hepburn-Dolliver bill," as it is called, has been held out as a bait to catch the votes of localities and States where prohibitive liquor laws have been enacted; but *what has been done?* The Republicans have had full power to act for many years, yet they have done nothing. This bill was once reported to the House with a "personal-use" clause, and then permitted to die on the Calendar. The change in the law sought by those really favoring that bill was to prevent liquor dealers, under the protection of the interstate-commerce law, overriding local prohibitive laws. It has not been passed, and will not be as long as the people do not resent the substitution of pretense and hypocrisy for honest action.

"C. O. D." SHIPMENT OF LIQUORS.

A bill, introduced in this Congress by the gentleman from Mississippi, the Democratic leader, which prohibits interstate C. O. D. packages of spirituous liquors being sent into prohibition or "local-option" territory is, I fear, hopelessly "pigeon-holed" in the Judiciary Committee.

In a town or country, when local option has been adopted by the people, liquor can thus be shipped to "boot leggers" and law-breaking idlers, who, after the liquor has arrived, induce those who wish to debauch themselves with drink (often wild and thoughtless boys in their teens) to furnish the money to take the liquor from the express office, thus making really a sale in the locality where it is prohibited by law, in effect nullifying the local law made by the people. Our local rights are thus infringed, express offices become liquor shops, law is disregarded, drunkenness is encouraged, public and private morals are debased, and our youth corrupted. Yet this party "machine" cares not, and will not either offend or injure the liquor interests.

DEPARTMENT RULING SHIELDS UNLAWFUL LIQUOR SELLING.

Under the law as made by the Republican party, a tax for liquor selling is collected from any person wishing to engage

in the business anywhere, whether or not the sale is prohibited by local law.

Receipts are given for such payments of tax. Some States, as Texas, have made the possession of such receipt prima facie evidence against a party charged with a violation of the law. But the Republican Administration keeps secret the names of the parties paying this tax. The Department rules that they be kept secret! A bill prohibiting the granting of such tax receipts in localities where the sale is unlawful and, also, one requiring that the names of those paying the tax as liquor dealers should be disclosed when applied for have been introduced in the House. The former has not been reported, and, after long effort, the latter has passed the House. Whether it ever becomes a law will depend upon the amount of pressure which accompanies the demand for its passage. There was really no reason for such a bill, except for the regulation of the Republican Secretary of the Treasury keeping secret the names of liquor sellers in "dry" States and localities in the interest of the liquor trade. And yet the Republican party and its "machine" leaders have no doubt received much support from the moral element, who have been blinded by false professions as to temperance legislation.

Mr. STAFFORD. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. RANDELL of Texas. Certainly.

Mr. STAFFORD. Is it not a fact that the law requires the collectors of internal revenue to post the name of every person who pays a tax for the sale of liquor, whether it is malt or spirituous?

Mr. RANDELL of Texas. Post what?

Mr. STAFFORD. To post a list of all those persons paying the tax.

Mr. RANDELL of Texas. On the contrary, the rule of the Department has been, as I am creditably informed and believe, that the revenue collectors will not furnish the names to parties applying for them, and a bill has just passed this House a few days ago requiring them to do so. It has not yet passed the Senate, but it has been driven through this House, and I will speak of that presently.

Mr. STAFFORD. I beg your pardon, because the law, as it now is, requires the collectors of internal revenue, in posting, to furnish the public the names of all persons who pay the tax. The scope of the bill passed under suspension of the rules two weeks ago provided there should be a certificate furnished to any applicant, upon the payment of a small fee, which could be used as prima facie evidence, as the gentleman states in his State, in any prosecution that might be brought for the sale of liquor.

Mr. RANDELL of Texas. I yield to the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON. The law is as the gentleman from Wisconsin states it, that they are required to post the names of those who pay the license in their place of business in their office; but the Secretary of the Treasury, by his regulation, prohibits internal-revenue officers from furnishing certified certificates or appearing in court as a witness against a person who—

Mr. GROSVENOR. Not from appearing as a witness; not that. The State courts would compel him to come into court and testify; but, if the gentleman will allow me a little further interruption—

Mr. RANDELL of Texas. Mr. Chairman, I desire to be correct in this matter, but as my time is limited I would not like too much of it to be taken up.

Mr. GROSVENOR. Just a word. In many of the States of the Union—there is no reason why it should not be so in all States of the Union—the holding of the certificate—

Mr. RANDELL of Texas. I did not yield for a statement. I am talking about the United States law.

Mr. GROSVENOR. The United States law furnishing a certificate under the State law is prima facie evidence.

Mr. RANDELL of Texas. That is the law in Texas. The fact of the matter is that under the law as it now stands and under the ruling of the Department by a Republican Administration the names of parties engaged in liquor selling in Texas and in other States that have local-option districts and counties in them were kept from the people and from the officers, who desired those names for the purpose of obtaining evidence against the parties violating the law; and a bill, the sole purpose of which was to accomplish that result, has been, after long delay, driven through this House. Whether it ever becomes a law I know not, and that depends upon the pressure behind it in the Senate.

THE RIGHT TO STATEHOOD TRIFLED WITH AND DENIED.

The attitude of the Republican party toward the Territories is another proof that it is unworthy to rule. When for its own

benefit new States are needed it makes them in any number it desires, regardless of the interests of the country or the rights of the people concerned. But when four Territories having a population of more than 2,000,000 citizens, ready for and capable of statehood, apply for admission into the Union they are wantonly denied the privilege purely for party reasons.

Arizona, New Mexico, Oklahoma, and Indian Territory ought to become States—either three or four, as their people may desire—so that they may have local self-government, equal rights with the other citizens of the United States, and work out their own destiny. The balance of power in the Government would then be more equal; and the grand Union of States, reaching from the Atlantic to the Pacific, would, with mutual love and confidence, build by united effort the greatest constitutional government on earth. These considerations, like the framing of the Constitution, should be above and beyond mere party considerations. They appeal alike to every patriotic heart. But here we find them considered as so much stock in trade, to be exploited by the dominant party for its own selfish purposes.

Thousands of children must be without the advantages of education; business interests paralyzed; the laws remain inadequate; carpetbaggers kept in office; corporations devouring the natural resources; railroads paying no taxes; the future clouded in uncertainty and well-grounded distrust; the people, by hope long deferred, made sick at heart; all this that the Republican party may carefully feel its way to the exploitation of these Territories and their vast resources for its own benefit and the profit of its corporation allies!

The sisterhood of States should make common cause in rebuking this cruel and outrageous crime. Impelled by fear, the "machine" may yet admit one State; but the people will understand the motive and should not stay the hand of retribution.

INTERESTS OF LABOR DISREGARDED.

The cause of labor has been treated with like insincerity and delay. Our wage-earners—working in competition with the pauper labor of Europe, brought here by Republican syndicates, under Republican laws; toiling at their own risk in hazardous places and working with dangerous machinery; unprotected by adequate legal remedy against injury at fault of employers; bound down and imprisoned, browbeaten and enslaved by "government by injunction"—look in vain to this Republican Congress for justice and relief. The "liability bill," a truly good measure, has, indeed, after much travail and waiting, passed the House. That it may become a law (which is doubtful) is the hope of every good citizen.

But, I fear, no further relief can be expected. The corporations and the courts, the power of money and the Administration, will strive to continue the wage-earners in the position of mere "hewers of wood and drawers of water." The greatly increased cost of living more than offsets what little increase they may have had in wages. The cause of the laborer is the cause of humanity. It is only by labor that we are entitled to bread. It has been truly said that "genius is work, work, work!"

If the interests of labor are awake, the lessons learned will not be in vain. When the cause of the laborer falls industrial servitude follows. Is not that deplorable condition fast approaching, or at least dangerously imminent?

CORPORATION INFLUENCE ON CONGRESS.

The influence of incorporated wealth on the lawmaking power is as well known as it is monstrous. Its methods and plans are less understood. When capital objects to any reform the door of opportunity is closed.

The corporations hold out to the Members of Congress valuable and tempting gifts, passes, favors, and privileges, and God only knows to what extent. These tempting baits are seized with avidity by many intrusted as servants of the people, and the fish are caught on the corporation hook. A bill has been introduced by me making criminal these indirect bribes, but it is held fast in committee by the "machine" and can not be considered on this floor. Were it reported and submitted to this House on an aye-and-no vote the evident justice and necessity of the measure, backed by the popular demand, would insure its passage through the House at least. If you dispute this proposition, don't mouth about it, try it. Try it, if you dare.

TARIFF REVISION SMOTHERED BY THE MACHINE.

No greater evidence of this influence need be wanted than the conduct of the Republican party as to promised revision of the tariff. The pledges to justly revise the tariff schedules, which have been so often repeated in public prints, on the hustings, on the floor of Congress, and its party platform, are too plain and positive to be denied; and they have so frequently been quoted I will not again cumber the Record by their repetition.

When the public becomes aroused on the subject, you on the Republican side quickly claim that corrections shall be made, but that it can be safely attempted only "by its friends"—you being the friends!

As soon as the election is over, however, you try to engage the attention of the country on other matters, and immediately resume your "stand-pat" policy on the tariff. You claim that the Dingley bill is in the interest of labor, when you know it has been used to enslave labor, and we all know that the just interests of labor are identical with the interests of the whole people. [Applause on Democratic side.] The hand of labor laid the corner stone and has builded the structure of this Government. Labor and respectability go hand in hand.

You claim that the Dingley bill protects American industries when everyone knows it assists the combinations of capital to crush all competition and absorb or ruin the smaller independent enterprises. You say it promotes commerce when you know it lessens our foreign trade and delivers over our home market to the tender mercies of insatiable greed. You say it is a blessing to the country, and you know that many of the most useful and necessary articles are thereby supplied to Europe and South America more than 25 per cent cheaper than the prices our own people are compelled to pay for like goods.

A government should protect its own people, not rob them. Robbery under the name of "protection" is more vicious than if it were open, for if open to the understanding of the whole people it could not be defended and would be prevented or punished. If the American people are robbed and swindled by shrewd and powerful combinations in trade, the Government should not be a party to it. Fraud and corruption are poisons which will, in time, surely bring to any nation decay and death. If we would honor our forefathers, let it not be by vociferous acclaim only, but by the emulation of their virtues, consecration to duty, and devotion to our beloved country.

It is a trite saying that "the tariff is the mother of trusts." It is also certain that many schedules, heavily taxing articles of everyday use in ordinary business and necessities of life, are desired by no one except the great corporations whose profits they increase. Many articles heavily taxed bring no revenue at all, because the tax is prohibitive and such articles are not imported. Yet these unjust rates must continue, say the "stand-pat" statesmen, when their only effect is to permit prices to be raised in the home market, thereby levying tribute on the whole country, taking the fruits of toil without compensation. Will an intelligent citizenship longer wait for redress?

The plea has been made that there should be "protection" (tariff) equal to the difference between the price of labor in America and in other countries. How weak that sounds, when we know that the tariff on many necessary commodities is more than the whole value of the finished product. How can the difference in price of labor be more than the whole labor cost of production plus the cost of material? That such arguments should have ever passed as sound in any enlightened country is one of the political paradoxes of modern times.

Our tariff system is intricate, requiring much study to unravel and point out its injustice. A careful study of it, however, reveals a network of unprecedented class legislation.

There are 168 trusts directly protected by the tariff; many more combines with partial protection. But few people understand or appreciate how the protective tariff has fostered trusts and combines which control the price of the commodities they manufacture. Of the 287 principal combines and associations formed to advance and keep up prices, 168 are directly protected by the tariff, although there are 206 trusts more or less protected, with a capitalization of \$5,571,616,153, or 74 per cent of the total capital of the principal trusts and associations or combines.

As an example, take this list, which contains twenty articles used for building purposes that are directly protected by the tariff, which are controlled by trusts and combines, with the tariff duty on each article:

Article.	Price controlled by—	Tariff duty, specific and ad valorem.
Angles, steel.....	United States Steel Co....	1 cent per pound.
Brick.....	Local combines.....	25 per cent.
Bar iron.....	Bar Association.....	1 cent per pound.
Lead carbonate.....	National Lead Co.....	2 1/2 cents per pound.
Doorknobs.....	Association.....	45 per cent.
Glass, window.....	American Window Glass Co.	1 1/2 cents per pound and up.
Lumber.....	Association.....	\$2 per M feet.
Locks.....	do.....	45 per cent.
Nails, wire.....	United States Steel Co....	1 cent per pound.
Nails, cut.....	Association.....	1/2 cent per pound.
Plate glass.....	Pittsburg Plate Glass Co....	8 to 35 cents per square foot.

Article.	Price controlled by—	Tariff duty, specific and ad valorem.
Pipe, lead	National Lead Co.	2½ cents per pound.
Putty	Association	1 cent per pound.
Red lead	National Lead Co.	2½ cents per pound.
Steel sheets	United States Steel Co. ..	¾ cent per pound and up.
Steel billets	do	¾ cent per pound.
Steel beams	Association	¾ cent per pound.
Steel bars	do	¾ cent per pound.
Shingles	Association, local	30 cents per M.
Wire-cloth screen ..	Association	1½ cents per pound and 40 per cent.

An examination of the list just read will show that persons wishing to construct residences, barns, business houses, or any other buildings must pay to the trusts from one-fourth to double the value of the material they use.

The list I will now read contains fourteen articles necessary for general use on farms and in shops and in everyday business:

Article.	Price controlled by—	Tariff duty, specific and ad valorem.
Axes	American Ax and Tool Co. ..	45 per cent.
Barb wire	United States Steel Co.	1.30 cents per pound.
Chains	Union Steel and Chain Co. ..	3 cents per pound.
Files	Association	\$1 per dozen.
Glue	American Glue Co.	35 per cent.
Horse nails	Association	2½ cents per pound.
Jute rope	Standard Rope and Twine Co. ..	45 per cent.
Leather	United States Leather Co.	Do.
Linen shoe thread ..	Association	Do.
Rope, cotton	Standard Rope and Twine Co. ..	Do.
Manila rope	do	Do.
Saws	National Saw Co.	30 per cent.
Shovels	Ames Shovel Co.	45 per cent.
Sisal rope	Standard Rope and Twine Co. ..	Do.

Here is a list which contains twenty-three articles of general necessity:

Article.	Price controlled by.	Tariff duty, specific and ad valorem.
Borax	World trust	5 cents per pound.
Broocloths	Woolen trust	44 cents per pound and 55 per cent.
Cotton thread	American Thread Co.	6 cents per dozen.
Cotton yarns	Association	6 cents per pound and up.
Carpets, Brussels ..	American Carpet Co.	44 cents a yard and 40 per cent.
Coffins	National Casket Co.	35 per cent.
Earthenware	Trenton Pottery Co.	55 per cent.
Fannels	American Woolen trust ..	22 cents per pound and 30 per cent.
Lard	Packers' combine	2 cents per pound.
Meat, beef	do	Do.
Meat, salt pork, etc ..	do	25 per cent.
Meat, hams, etc	do	5 cents per pound.
Overcoatings	American Woolen Co.	44 cents per pound and 50 per cent.
Paper, wrapping	Union Bag and Paper Co. ..	25 per cent.
Paper, writing	Two combine	2 cents per pound and 10 per cent.
Powder	Association	6 cents per pound.
Raisins	do	2½ cents per pound.
Shot	do	45 per cent.
Starch	National Starch Co.	14 cents per pound.
Suitings	American Woolen Co.	44 cents per pound and 55 per cent.
Sadiron	Association	45 per cent.
Tin plates	United States Steel Co.	14 cents per pound.
Trousersings	American Woolen Co.	44 cents per pound and 55 per cent.

These lists show a few only of the articles necessary for use in everyday life. They are mere samples of tariff injustice as the law stands to-day. The revenue derived is nominal, because the tax is practically prohibitive, and the imports amount to nothing in comparison with the volume of these articles consumed in this country. The tax, therefore, serves as a wall to shut out foreign competition. The home market is thus in the grip of monopolistic combines which add the amount of the tariff to the fair market price of such commodities, and the consumers are compelled to pay it. The difference between the aggregate so forced from the people and the amount of a normal market price runs up into the billions each year. The real facts are almost inconceivable. Huge corporations have in the past few years grown to such proportions that they own nearly all our manufactories, our transportation lines, our coal mines, our oil fields, our forests, our iron deposits, our marble, granite, and other building stone, our copper, silver, gold, lead, and zinc mines; in fact, they are fast acquiring all our vast natural wealth, which, when fully possessed

and protected by law, will perpetuate a class of moneyed barons never dreamed of previous to this generation. Such a condition means the impoverishment and slavery of the masses. This, of course, would not be tolerated; revolution would follow and this continent be drenched in blood. History teaches us that this conclusion is no chimerical fancy; it is a natural result. Mankind can be enslaved only for a time. Freedom is the natural condition and will always reassert itself.

Why permit the continuance of this iniquitous and ruinous system? The Republican party has deceived the people and enacted the present laws. It refuses to correct the existing evils. It has full power. It can pass any law or repeal any law it chooses. There is no hindrance. The people must accept and approve present conditions or reject them by driving the Republican party from power. If the farmer, the mechanic, the miner, the railroad man, the wage-earner, the average unprotected citizen, votes for the Republican party, and especially for the "machine" leaders, what can he expect other than a continuation of existing injustice, greater in scope and more terrible in effect? Remember the Republicans have no excuse. They have full power, and flatly refuse to give relief. They belong to the trusts and fear to offend them.

These "machine" leaders have been and are deceiving the great mass of voters who put them in power. The rank and file of the Republican party want justice, and if only they would examine the record of their Representatives the avenging hand of an outraged constituency would strike down these "stand-pat" statesmen and have a new deal as well as a "square" one. [Applause on the Democratic side.]

Our revolution should be a bloodless one—at the ballot box. It is all in the hands of the people. They should elect true men, real servants, who will represent them, and them only. The attorneys and agents of the great corporations, asking for special privileges, have no rightful place in the Congress. The districts and States which send to the Congress attorneys, agents, representatives, or shareholders of corporate monopoly do a wrong to the whole nation. The minions of power and feeders on graft will never willingly depart. They must be scourged from the temple. [Applause on the Democratic side.]

Elect honest and capable men, and we will have honest and efficient laws. A tree is known by its fruits. "A corrupt tree can not bring forth good fruit." Let "every tree that bringeth not forth good fruit be hewn down and cast into the fire." [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed, with amendments, the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes; in which the concurrence of the House of Representatives was requested.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I yield to the gentleman from Iowa [Mr. COUSINS].

Mr. COUSINS. Mr. Chairman, at the time the so-called consular reform bill passed this body there was little or no time or opportunity for the discussion of that measure. It was my intention at the time to make some observations in relation to the measure and its development, and I will, without objection, print some matter on this subject, and for the present I reserve the balance of my time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to print some remarks on the consular reform bill. Is there objection? [After a pause.] The Chair hears none. The gentleman also reserves the balance of his time.

[Mr. COUSINS addressed the committee. See Appendix.]

Mr. ADAMS of Pennsylvania. I yield thirty minutes to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Chairman, I am led to make some observations on the so-called "rate bill," in view of what has transpired since its passage by this House. When it left the House it met with popular approval and fairly satisfied the demand for rate legislation. Several questions growing out of it have been fully discussed, and I am going to say something in a general way in answer to two propositions that have been advanced, said by some to have never been thought of, while the bill was in the House, and therefore never considered by the House, and never would have been thought of had it not been for debates outside this House. This House needs no defense for its share of the work. It promptly passed a measure answering

the demand of the people and giving to them a measure of relief. It is not a question of procorporation or anticorporation, but an important legal question, affecting as an important matter as was ever presented to Congress. Two mighty elements are in conflict. The people are determined to have rate legislation. The corporations created by the people to advance their interests do not take kindly to the proposition and are opposed to governmental interference. The question must be met. It can not be avoided. It must be legally done. What is the law of the case?

I am not going to discuss the merits of the question or the bill generally, but content myself by saying the House act, in my opinion, is not obnoxious to the objection that it is unconstitutional because it fails to contain a provision for court review. I am not going to answer the objections to the House act directly and in detail, but indirectly, by proving its constitutionality on the two propositions by the Constitution itself, and thereby prove the fallaciousness of the objections raised which, to the credit of the House, were not even suggested here. I would not discuss the question at this time were it not for the fact that I desire to suggest a line of argument that I believe correct, one that I believe should be considered. I appreciate that I stand out against a number of distinguished gentlemen who have come pretty near making the railroad interests of the country believe they are right, but notwithstanding the large number of gentlemen who have so openly and extensively argued to the contrary, I am going to argue that the House act is constitutional without a provision for court review to determine the reasonableness of the rate, and that such a provision is not necessary; that to attach to it a provision for such review will absolutely destroy the act and will afford the people no relief, and all I ask is for those interested to examine the question for themselves and they will have no trouble in concurring with me. Believing as I do as to court review, there is no necessity for discussing the other question involved, as to the power of Congress to prevent a court using injunctive power, but as so much has been said in regard to it I will, before I conclude, have something to say on this point. As the question of court review is a constitutional one, it will be necessary to ascertain what the Constitution says and means. Article I, section 8, subdivision 3:

To regulate commerce with foreign nations and among the several States and with the Indian tribes.

And subdivision 18:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

It seems to be universally conceded that these enumerated powers authorize Congress to fix rates. There can be no question about it. Otherwise the carrier, and not Congress, would be regulating commerce between the States. The Supreme Court has always held that Congress can prevent any person, corporation, or State from regulating or imposing any restraint upon interstate commerce. Congress, not the carrier, must be the master. Under its power Congress can fix the rate to prevent regulation or restraint. This contention finds support in the decisions of the Supreme Court:

There are three obvious and dissimilar courses open for consideration:

1. Congress might itself prescribe the rates.
2. Congress might commit to some subordinate tribunal this duty.
3. Congress might leave with the companies the right to fix rates subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable. (*Interstate Commerce Commission v. Railway Company*, 167 U. S., 479-494.)

It is now settled that Congress can fix rates, but we are met with the contention that some great men have startled the country with, the statement that Congress can not exercise a constitutional power without making a provision in the law that an interested party may have the right, before Congress can exercise the power, to go into court and stay proceedings and ascertain if the power has been reasonably exercised. In other words, as I understand them, Congress can only fix a reasonable rate, and that must be by act of Congress, open to review by the courts. Great lawyers, in desperate cases, take positions that they themselves do not believe in; that never convince the court; but the general public sometimes call it greatness. If a young and inexperienced lawyer did it he would be laughed out of court and condemned by the public.

Now, I challenge any person to produce an authority of court or text writer to the effect that before Congress can exercise a power a provision must be made that any person claiming to be injured can go into court and have his rights adjudicated. In other words, express authority for court review. Now, I insist that Congress can exercise its powers without providing for court review, and if Congress exceeds its power, the party

wronged has his day in court without any provision for court review.

The argument made against the House bill compels this discussion to be academic and elementary. It must be remembered that the right to fix rates is given Congress by the Constitution and a court has no right to interfere without the permission of Congress, unless Congress exceeds its power, to the injury of some person. The opponents of the bill seem alarmed about the constitutionality of the measure, unless a provision is made for court review. This is the song of the spider to the fly. The power and limitation, if any, are to be found in the Constitution, and this same Constitution protects the citizen in his rights without any express legislative provision. Suppose, to illustrate, that Congress, in the plenitude of its power, saw fit to levy a tax sufficient to pay the entire public debt at once and leave a large surplus in the Treasury, there would be no necessity for providing that if anyone was hurt by the tax he should have his day in the court. Or, in other words, there would be no need of making a provision for court review. This is an illustration of due process of law, for all will concede that the Government could levy taxes even if it amounted to confiscation to a million people, causing a forced payment, without providing for a single citizen coming into court. There was no provision in the income tax case for court review. It was claimed that the Congress had exceeded its power, but parties found their way into court and the law was held to be unconstitutional. This is a question arising under the Constitution and laws of the United States. If a person's constitutional right is invaded, a court is open to him without any express provision. And his constitutional right is invaded if any government, State or Federal, interferes with his person or property when it has no authority or power to perform the act complained of, and the moment Congress steps beyond the bounds of its authority to the injury of a person, that person has a right of action by court review, as old as civilization itself. The Constitution provides for court review. For Article III of the Constitution says: "The judicial power of the United States shall be vested in the courts named in the Constitution." This judicial power is the authority to hear and determine the right of the carrier. The carrier complains that the Congress has exceeded its authority and is by its legislation depriving the carrier of its property. The right of the carrier is a constitutional one. The Constitution protects the carrier in the enjoyment of its property, and the power of Congress to interfere with the property of the carrier must be found in this same Constitution. The right is one arising under the Constitution, where we find, in section 2 of Article III, that this authority of the court to hear and determine the right of the carrier extends to all cases in law and equity, hence includes the case of the carrier. The question is, Has the carrier a right of action? If so, a court is open to redress the wrong. Has Congress, in fixing rates, gone beyond its power? For that is the only question to be tried. Every action depends upon the right of one party and the duty of the other, without express provision for court review. When an act of Congress is challenged in court, inquiry is limited to the question of power.

The Supreme Court, in *Angle v. Chicago, St. Paul, Minneapolis and Omaha Railway Company* (151 U. S., 1-18), says:

The rule upon which this decision rests has been followed in many cases and has become a settled rule of our jurisprudence. The rule, briefly stated, is that whenever an act of the legislature is challenged in court, the inquiry is limited to the question of power, and does not extend to the matter of expediency, the motives of the legislators, or the reasons which were spread before them to induce the passage of the act. This principle rests upon the independence of the legislature as one of the coordinate departments of the Government.

The carrier has a right to the enjoyment of its property, subject to the power of Congress to fix its charges, and if Congress does not exceed its authority no right of action exists. But if Congress exceeds its authority to the injury of the carrier, it has a right of action given by the Constitution, and it does not require an act of Congress to exercise that right. The right of the carrier and the wrong of the Congress constitute the right of action, enforceable without an act of Congress. Whether an act of Congress is within the limits of its delegated power or is not, is a judicial question to be decided by the courts, the Constitution having in express terms declared that the judicial power shall extend to all cases arising under this Constitution. As said by Story in his valuable work on the Constitution, commencing section 1645:

It is observable that the language is that the judicial power shall extend to all cases in law and equity arising under the Constitution, laws, and treaties of the United States.

Section 1646. Another inquiry may be, What constitutes a case within the meaning of this clause? It is clear that the judicial department is authorized to exercise jurisdiction to the full extent of the Constitution, laws, and treaties of the United States whenever any question respecting them shall assume such a form that the judicial

power is capable of acting upon it. When it has assumed such a form it then becomes a case, and then, and not till then, the judicial power attaches to it. A case, then, in the sense of this clause of the Constitution, arises when some subject touching the Constitution, laws, or treaties of the United States is submitted to the courts by a party who asserts his rights in the form prescribed by law.

The learned jurist does not suggest anywhere that if the case he speaks of arises there must be legislative permission for court review to protect the rights of the citizen.

Smyth v. Ames (169 U. S., 466) is an instructive case on this point. The legislature of the State of Nebraska passed an act to regulate railroads, classify freights, and fix reasonable maximum rates, and gave the carrier the right to bring an action in the State court to test the reasonableness of the rate. The carrier brought an action in equity in the Federal court (p. 515). The court said it was contended that the plaintiffs had an adequate remedy at law and that the circuit court of the United States, sitting in equity, was therefore without jurisdiction (p. 516). "The adequacy or inadequacy of a remedy at law for the protection of the rights of one entitled upon any ground to invoke the powers of a court is one to be conclusively determined by the statutes of the particular State in which suit may be brought. One who is entitled to sue in the Federal court may invoke its jurisdiction and equity whenever the established principles and rules of equity permit such a suit in that court, and he can not be deprived of that right by reason of his being allowed to sue at law in a State court on the same cause of action. If the case in its essence be one cognizable in equity, the plaintiff, the required value being in dispute, may invoke the equity powers of the proper circuit court of the United States whenever jurisdiction attaches by reason of diverse citizenship or upon any other ground of Federal jurisdiction." It will be observed that the Federal court taking jurisdiction held the legislation unconstitutional and granted the relief prayed for without any provision for court review by the Federal court.

As was aptly said by the Supreme Court in *Smith v. Adams* (130 U. S., 167, p. 173)—

Whenever the claim or contention of a party takes such a form that the judicial power is capable of acting upon it, then it has become a case or controversy. Thus, in *Osborn v. Bank of the United States* (9 Wheat., 738-819), this court, speaking by Chief Justice Marshall, after quoting the third article of the Constitution declaring the extent of the judicial power of the United States, said: "This clause enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws, and treaties of the United States. When any question respecting them shall assume such a form that the judicial power is capable of acting on it that power is capable of acting only when the subject is submitted to it by a party who asserts his rights in the form prescribed by law. It then becomes a case, and the Constitution declares that the judicial power shall extend to all cases arising under the Constitution, laws, and treaties of the United States."

When Congress fixes the rate it is but the exercise of a power conferred on Congress by the Constitution, and there is no instance of a legislative right to protect anyone injured by the exercise by the Government of a power conferred upon it by the Constitution. The Constitution is the protection, and the court opens to the carrier as soon as the wrong is done. The Supreme Court has many times pointed out the remedy.

Mr. Justice Miller, concurring in *Chicago, Milwaukee and St. Paul Railway Company v. Minnesota* (134 U. S., 418), said, on page 460:

That the proper, if not the only, mode of judicial relief against the tariff of rates established by the legislature or by its commission is by a bill in chancery asserting its unreasonable character and its conflict with the Constitution of the United States and asking a decree of court forbidding the corporation from exacting such fare as excessive or establishing its right to collect the rates as being within the limits of a just compensation for the service rendered; that until this is done it is not competent for each individual having dealings with the carrying corporation or for the corporation with regard to each individual, who demands its services to raise a contest in the courts over the questions which ought to be settled in this general and conclusive method.

In *Reagan v. Farmers' Loan and Trust Company* (154 U. S., 362-395) the court said:

So that if in any case there should be any mistake in action on part of a State or its commission injurious to the rights of the railroad corporation, any citizen of another State interested directly therein can find in the Federal court all the relief which a court of equity is justified in giving.

The same rule would apply in case the rate is fixed by Congress. (See also *Smyth v. Ames*, 169 U. S., p. 516-517.)

Instead of making the bill constitutional by including court review, it will make it absolutely valueless to confer upon the court the power to pass upon the reasonableness of the rate. [Applause.] My contention is, Congress has the right to fix the rate, and I think the better argument is that the judicial power can not interfere unless Congress so wills it; but I am willing to concede for the sake of the argument that the fifth amendment limits the power of Congress. There is a vast difference between Congress exercising its constitutional power to the limit of confiscation and fixing a reasonable rate and

permitting the carrier to litigate in court the reasonableness of the rate. In other words, confiscation is one thing and, as the people will find out, the reasonableness of the rate an entirely different proposition.

If Congress exercises its power and fixes the rate without any provision for court review, the carrier can go into court in defense of its right, but can not have the aid of an injunction without alleging under oath such state of facts as tend to prove confiscation, and can not have final judgment without proving confiscation, something that can not be proven; therefore their case will fail. Congress will never be guilty of fixing a confiscatory rate, therefore the carrier will never have any relief in court; and, no matter how low the rate, confiscation can never be proven. The burden of proof—the burden, the cost, and loss—will fall upon the carrier. The carrier will not dispute but what it would be more than satisfactory to defeat the House act. Realizing this can not be done, the next best thing in order is to secure an amendment to the House act permitting court review as to the reasonableness of the rate, which is equivalent to defeating the act. If successful, the carrier will be as well satisfied as if the act was beaten, for now the tables will be turned. Reasonableness is an elastic relative term; the carrier initiates the rate. The dissatisfied shipper appeals to the Commission; the Commission fixes the rate; the dissatisfied carrier appeals to the court. Exclude the question of cost and delay, both important to the shipper, and the absolute worthlessness of the legislation will appear, when the people discover that interstate rates can not be fixed upon a reasonable basis subject to court review. The shippers will not be able to unite, and not one of them can tire the carriers out. The conflicting interests of the shippers will cause them to dis-unite, and the carriers will be left alone in their glory. Here it may be well to issue a note of warning to the carrier, and advise a reading of the history of Missouri Compromise. The people are not going to be quieted or abate their interest in this matter. They are thoroughly aroused and in earnest. They demand of their representatives the exercise of a constitutional power only; they are determined that rates shall be regulated by law and not at the will of the carrier. It may take time, but the will of the people will prevail. It is simple justice only. The servant of the people who fails or refuses to do his duty and come to the relief of the people will be lost in the current of disapproval, and will never be found or again return. [Applause.] I deny that demagogues have brought about this condition of affairs; the carrier alone is responsible; absolute defiance of law, selfishness, and utter disregard of the rights of the people have marked their course.

I helped the gentleman from Iowa [Mr. HEPBURN] to write in the statute book legislation which would save the carrier and satisfy the people, had the carrier conformed to the law. In the conference it was suggested that the troublesome question was then settled and there would be peace between the carrier and the people. "Yes," I answered, "if the carrier would but obey the law, but there is too much selfishness in human nature for that." Violation of the law marks the daily course of the carrier, confiscating the money and rights of the people at every step. Is it any wonder the American people have become aroused? It is to their credit they have. Had they not, they would not be entitled to the name and rights of American citizenship. The carrier will never have any cause for complaint. They control the situation to-day. They want the right to go into court to find out whether the rate is a reasonable one. This is a right without express provision for court review, as old as the existence of common carriers, in favor of both carrier and shipper. (See 167 U. S., p. 494, already cited.) Hence why this talk, noise, and legislation to do what can and always has been done? First legislate for a reasonable and remunerative rate and then expressly provide that the carrier can go into court to ascertain whether the rate fixed by the Commission is reasonable and remunerative. Let them go to work at once and establish reasonable rates with reference to themselves and the rights of the people, obey the law, pay taxes, stop rebates and discriminations, be honest, and there will be no attempt to interfere with them or their property. [Applause.] The true friend of the carrier is the people, not the men who are assisting them to defy the law and the people. [Applause.] The people will befriend every interest that will be just and conform to the law. As so much has been said about the due process of law, it may be well in this connection to briefly refer to it. According to my theory, the doctrine of due process of law will be enforced and respected when Congress makes the rate without provision for court review. Congress has the power to make rate legislation and the courts are open to the carrier. Due process of law does not necessarily require the interference of judicial power.

As said by Story, section 1941:

The meaning of the phrase "due process of law," it has been said, is in effect to affirm the right of trial according to the process and proceedings of the common law. Without doubt, it does affirm this in very many cases, but certainly not in all. There are many cases in which it is admissible to take property without giving any trial in the courts and by a mode somewhat arbitrary. And there are also cases in which persons may be deprived of liberty and even of life by other process than that of the common-law courts and which, nevertheless, is due process for the special cases and under the special circumstances.

In *McMillan v. Anderson* (95 U. S. 37), in a case coming up from the State of Louisiana, the court held that it was not necessary to have a trial. The only question under the Constitution is, Was it lawfully done? That is, as applied to this case. Does Congress have the power to fix the rate? And in *Public Clearing House v. Coyne* (194 U. S., 497, 508) the court said:

That due process of law does not necessarily require the interference of the judicial power is laid down in many cases and by many eminent writers upon the subject of constitutional limitations. (*Murray's Lessee v. Hoboken Co.*, 18 How., 272, 280; *Bushnell v. Leland*, 164 U. S., 684.) As was said by Judge Cooley, in *Welmer v. Bunbury* (30 Michigan, 201):

"There is nothing in these words ('due process of law'), however, that necessarily implies that due process of law must be judicial process. Much of the process by means of which the Government is carried on and the order of society maintained is purely executive or administrative. Temporary deprivations of liberty or property must often take place through the action of ministerial or executive officers or functionaries, or even of private parties, where it has never been supposed that the common law would afford redress. If the ordinary daily transactions of the Departments, which involve an interference with private rights, were required to be submitted to the courts before action was finally taken, the result would entail practically a suspension of some of the most important functions of the Government."

As I have indicated, it is doubtful in my mind whether there is any limitation upon the power of Congress. It is agreed by all that the fourteenth amendment is not, as that is a limitation upon the power of the States only. If the Constitution places any limitations upon the power of Congress to fix rates, it is to be found in the fifth amendment:

[ARTICLE V.]

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Here, if at all, is the only limitation upon the power of Congress—that no person shall be deprived of property without due process of law. And, as argued, it is due process of law for Congress to provide for rate legislation. Accordingly the question is, Is Congress proceeding according to the Constitution? Due process of law varies with particular cases. A person charged with stealing an apple has the benefit of a trial by jury, and, if convicted, might be fined as low as \$1 and costs or one or two days in jail. A person who intentionally insults a judge in open court will be tried without a jury and may be sentenced to prison for one year—due process of law in both cases. In one case the Constitution requires a jury and in the other it does not. Rate legislation is just exactly the same as the question of taxation. Where there is no constitutional limitations or prohibition, the legislative will is final and conclusive, and legislative will is due process of law.

In other words, the Constitution says Congress shall not deprive a person of his property without proceeding according to law, whatever law that is. Assuming there is power to make the law, the law itself must be followed and obeyed, otherwise it is not due process of law. In this case the Commission can not fix rates without direction from Congress and must comply with the law; otherwise this would be depriving the carrier of its property without due process of law. But it is entirely different, and it is due process of law, when Congress authorizes the rate—that is, directly itself or indirectly through a commission; and that is, as said, due process of law, and nothing further is required. This is assuming that the court is open to the carrier, but there will be nothing to try because Congress has proceeded according to the Constitution.

Under the fourteenth amendment the power of the States is further limited by preventing them denying to any person within their jurisdiction the equal protection of the laws. While it is agreed that the fourteenth amendment applies to and includes and protects corporations, it is going to be a difficult piece of work to say as much under the fifth amendment, for the Supreme Court has held that corporations are not citizens within the meaning of article 4 section 2. "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

In *Blake v. McClung* (172 U. S., 239, p. 259) it is said:

It has long been settled that for purposes of suit by or against it, in the courts of the United States, the members of a corporation are to be conclusively presumed to be citizens of the State, creating such corporation. And therefore it has been said: "A corporation is to be deemed for such purposes as citizens of the State under whose laws it was organized. But it is equally well settled and we now hold that a corporation is not a citizen within the meaning of the constitutional provision that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

However, a corporation is a person within the meaning of the fourteenth amendment, in order to give the courts jurisdiction of suits by or against them.

In *Barrow Steamship Company v. Kane* (170 U. S., 100) Kane brought action against defendant company, a corporation organized under the laws of Great Britain. The company resisted on the ground that, being a foreign corporation, it was not within the judiciary act of 1789, not within the words "citizens or aliens." The court held corporations were included, saying:

The constant tendency of judicial decisions in modern times has been in the direction of putting corporations upon the same footing as natural persons in regard to the jurisdiction of suits by or against them. Originally the jurisdiction of the circuit courts of suits between a citizen of one State and a corporation of another State has been maintained upon the theory that the persons composing the corporations were suing or being sued, and upon the presumption that all these persons were citizens of the State by which the corporation was created, but this presumption could be rebutted; but earlier cases were overruled, and it is now the settled law of the court that for the purposes of suing and being sued a corporation is to be considered as a citizen of the State where created, and the conclusive presumption of the law is that the persons composing the corporation are citizens of the same State with the corporation.

This case would suggest that a corporation is held to be a person for the purpose of giving courts jurisdiction.

This feature of the argument may be of interest to the carrier and it may be well worth their while to examine it with care. To-day the people are in the mood to be reasonable, but if the carrier forces the question to the Supreme Court and that tribunal holds that there is no limitation upon the power of Congress to fix rates it may be difficult to restrain the people. The attitude of the carrier to-day is going to drive many good, conservative men from public life, whose place will be filled by demagogues of the first water, whose presence here may not be beneficial to the country at large. Let it be again stated that the only limitation, if any, on the power of Congress is to be found in the fifth amendment, and if it applies it only prevents Congress from fixing rates without due process of law, so it is certainly not a limit on the rate. The only question is whether proceedings to fix the rate are legal—and all will agree that the fixing of a rate is purely a legislative power, and the question as to whether Congress has exceeded its power or not is a judicial one for the courts.

This all will agree to; and let us, for the sake of the argument and in the interest of common justice, concede that the fifth amendment is a limitation upon the power of Congress that only prohibits Congress from fixing a rate that will deprive the carrier of its property without due process of law. In the first place, Congress is not going to deprive the carrier of its property without due process of law. Congress has the right to fix the rates and leave the courts open to the carrier to ascertain if Congress in fixing the rate has exceeded its constitutional power. The question is not has Congress fixed the rate too low, but has Congress in fixing the rate deprived the carrier of its property without due process of law? And, as said, due process of law does not necessarily require the interference of the judicial power. All the talk about a reasonable rate, court review, and due process of law comes from State legislation, as will be seen in the examination of many cases in the Supreme Court, notably in the oft-quoted case of the *Railway Company v. Minnesota* (134 U. S., 458) and *Smyth v. Ames* (169 U. S., 466). In the Minnesota case, in short, the legislature of Minnesota created a railroad commission with power to fix reasonable rates and then made the rate so fixed final and conclusive and denied the carrier access to the courts. A rate was fixed which the carrier said was unreasonable, and a mandamus was brought to compel compliance with the law. The company was denied the right to appear and prove its defense. The Supreme Court, under the fourteenth amendment, reversed the decree. Many similar cases can be found, all growing out of State legislation—a vast difference between the limited power given a railroad commission by State legislatures, with the limitations of the fourteenth amendment applying, and the power of Congress without any limitation or no further limitation than is to be found in the fifth amendment.

Further, Congress is not going to prevent a carrier from going into court, and, besides that, Congress is not going to exceed its powers in any event. *Covington and Lexington Turnpike Road Company v. Sanford* (164 U. S., 578) is an instructive

case. The question arose under a State law as affected by the fourteenth amendment. Plaintiff was incorporated by the laws of the State of Kentucky to construct and maintain a turnpike and by its charter permitted to collect certain tolls. The legislature reduced the tolls by an amendment to the charter, and plaintiff sought to show that the new tariff or rates was unjust and unreasonable and prevented the plaintiff company out of its receipts from maintaining its road in proper condition for public use or from earning any dividends whatever for stockholders. These facts were admitted by a demurrer to the complaint. The State courts held the legislation valid. The Supreme Court of the United States reversed the State court, saying, on page 592:

Upon the authority of previous decisions there is a remedy in the courts for relief against legislation establishing a tariff of rates which is so unreasonable as to practically destroy the value of the property of companies engaged in the carrying business and that specially made the courts of the United States treat such a question as a judicial one and hold such acts of legislation to be in conflict with the Constitution of the United States, as depriving the companies of their property without due process of law and as depriving them of the equal protection of the laws.

It will be noted that there is no suggestion of court review, but the Supreme Court boldly says that the carrier has a remedy in the courts.

I disagree with those learned gentlemen who insist that the Supreme Court has decided that the carrier has a constitutional right to just compensation. This question is very fully discussed in the case of *Covington and Lexington Turnpike Road Company v. Sanford* (164 U. S., 578, pp. 596 and 597), where the court said:

It can not be said that a corporation is entitled as of right and without reference to the interests of the public to realize a given per cent upon its capital stock when the question arises whether the legislature has exceeded its constitutional power in prescribing rates to be charged by a corporation controlling a public highway. Stockholders are not the only persons whose rights or interests are to be considered. The rights of the public are not to be ignored. It is alleged here that the rates prescribed are unreasonable and unjust to the company and its stockholders, but that involves an inquiry as to what is reasonable and just for the public.

This language is cited by the court with approval in *Smyth v. Ames* (169 U. S., 445-466).

It is very clear that those opposed to rate legislation are anxious to have Congress abdicate its functions, and instead of fixing a rate within its power to so legislate that the shipper will be forced into court to prove the reasonableness of the rate, as said, an absolute impossibility. This burden should not be thrown upon the shipper. Without any reference in the bill to court review, the burden would rest upon the carrier to prove that Congress had exceeded its powers, something that the carrier can never do, and, as said, Congress will not exceed its power in fixing the rate.

The House act is much more just and favorable to the carrier than the circumstances and the Constitution require. The bill was evidently drawn so as to settle the question of the power of Congress, and yet do exact and equal justice to both carrier and shipper. Instead of meeting with opposition, it should have not only met with the approval of the carrier, but it should have been warmly welcomed. No provisions should have been made for reasonable and remunerative rates, but it should have simply provided for the fixing of the rate, for Congress is under no obligations to fix a reasonable or remunerative rate.

There is no question but what, from the authorities, so much of the legislation as attempts to prevent the carrier from defending any proceedings brought to enforce compliance with the order of the Commission is unconstitutional; that, however, would not in any manner affect the bill, for that could be stricken out by the court without injury to the bill. Defense of unconstitutionality could be raised in criminal proceedings and in any proceedings brought to enforce the orders of the Commission, and a court of equity would certainly disregard such a provision. The question of parties defendant would be presented when attempts were made to enforce the orders. Those who were active in enforcing the orders would be the parties liable. Therefore no embarrassment would arise if Congress fixed the rate, leaving to the Commission the duty of bringing about the legislation pointed out and provided for, without limitations as to reasonableness or remuneration. [Applause.]

The other question involved is, How far can Congress go in depriving the courts of judicial power conferred by the Constitution?

To a proper understanding of this question it will be necessary to ascertain the extent of the power of the courts of the United States and the power of Congress over these courts. This will have to be learned from the Constitution. Believing

as I do that Congress can not erect a court of equity and then deprive it of its judicial power, I shall at the outset invite attention to some cases holding that Congress can require notice to be given on an application for an injunction.

The question first arose in the case of the State of New York v. State of Connecticut (4 Dallas, 1). The case was decided at the August term, 1799.

First Statutes at Large, chapter 22, page 333, approved March 2, 1793, section 5, provided that no writ of injunction shall be granted in any case without reasonable previous notice to the adverse party or his attorney of the time and place of moving for the same. And the court held an injunction will neither be granted by the court nor a single judge without reasonable notice to the adverse party or his attorney.

The same ruling was made in *Mowrey v. Indianapolis and Chicago Railroad Company*, 4 Biss., 78, 17 Federal Cases, No. 9891, page 930, where the court said:

The injunction ordered on the 28th of May was decreed without much consideration on my part. I followed a practice which has long prevailed in the courts of the State of Indiana. But, on further reflection, I think my order for a temporary injunction was premature. Equity would seem to demand that, in cases of emergency, where irreparable injury would follow unless an immediate injunction were ordered, the national courts should have power to grant temporary injunctions without notice of the application for them to the party enjoined. But the act of Congress of March 2, 1793, forbids that any writ of injunction shall "be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same." (1 Stat., 335.)

In view of this act, as well as of the fifty-fifth rule in equity of the Supreme Court, it should seem that no special injunction can be granted by this court but on due notice. And in the case of *New York v. Connecticut*, 4 Dall. (4 U. S.), 1, the Supreme Court has decided that an injunction can neither be granted by the United States courts nor any judge thereof without due notice to the adverse party or his attorney. I, therefore, dissolve the injunction ordered on the 28th of May.

The same ruling was made by Mr. Justice Daniel, when holding court in the State of Arkansas in 1855, in the case of *Wynn v. Wilson Hempst* (698, 30 Federal Cases, No. 18116, p. 751).

The constitutional question now involved was not raised, therefore not considered in these cases.

The material provisions of the Constitution are as follows:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Article I, section 1.)

The Congress shall have power to constitute tribunals inferior to the Supreme Court. (Article I, section 8, subdivision 9.)

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. * * * (Article III, section 1.)

The judicial power shall extend to all cases in law and equity arising under this Constitution, laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make. (Article III, section 2.)

It will be important and necessary to understand what is meant by the words "judicial power." Much has been written in defining the meaning of the same. Many writers agree that it is authority to hear and determine rights between persons, and the State and persons.

Mr. Justice Miller, very carefully considering this subject in his valuable work on the Constitution, page 314, in part said:

It will not do to answer that it is the power exercised by the courts, because one of the very things to be determined is what power they may exercise. It is indeed very difficult to find any exact definition made to hand.

But he comes to this conclusion:

It is the power of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision.

The entire constitutional provision on this subject might just as well be considered together. Mr. Justice Story said:

That the enumerated power found in Article I, section 8, subdivision 9, is but a repetition of what is contained in Article III. The framers of the Constitution not only provided a judiciary, but declared that

the national judiciary ought to possess powers coextensive with those of the legislative department. (Journal of Convention, 69, 98, 121, 137, 186, 188, 189, 212; Federalist, Nos. 77, 78; 2 Elliot's Debates, 380, 394, 404.)

This branch of the subject can be better understood by referring to the leading case of *Martin v. Hunter* (1 Wheat., 304), in an opinion rendered by Mr. Justice Story in 1816. After discussing the constitutional provisions herein cited, the learned jurist said:

Such is the language of the article creating and defining the judicial power of the United States. It is the voice of the whole American people, solemnly declared in establishing one great department of that Government which was in many respects national and in all supreme. It is a part of the very same instrument which was to act, not merely upon individuals, but upon States; and to deprive them altogether of the exercise of some powers of sovereignty and to restrain and regulate them in the exercise of others.

Let this article be carefully weighed and considered. The language of the article throughout is manifestly designed to be mandatory upon the legislature. Its obligatory force is so imperative that Congress could not, without violation of its duty, have refused to carry it into operation. The judicial power of the United States shall be vested (not "may be vested") in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish. Could Congress have lawfully refused to create a Supreme Court, or to vest in it the constitutional jurisdiction? "The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office." Could Congress create or limit any other tenure of the judicial office? Could they refuse to pay, at stated times, the stipulated salary, or diminish it during the continuance in office? But one answer can be given to these questions. It must be in the negative. The object of the Constitution was to establish three great departments of government—the legislative, the executive, and the judicial departments. The first was to pass laws, the second to approve and execute them, and the third to expound and enforce them. Without the latter it would be impossible to carry into effect some of the express provisions of the Constitution. How, otherwise, could crimes against the United States be tried and punished? How could causes between two States be heard and determined? The judicial power must therefore be vested in some court by Congress, and to suppose that it was not an obligation binding on them, but might, at their pleasure, be omitted or declined, is to suppose that under the sanction of the Constitution they might defeat the Constitution itself. A construction which would lead to such a result can not be sound.

The same expression "shall be vested" occurs in other parts of the Constitution, in defining the powers of the other coordinate branches of the Government. The first article declares that "all legislative powers herein granted shall be vested in a Congress of the United States." Will it be contended that the legislative power is not absolutely vested? That the words merely refer to some future act, and mean only that the legislative power may hereafter be vested? The second article declares that "the executive power shall be vested in a President of the United States of America." Could Congress vest it in any other person, or is it to await their good pleasure, whether it is to vest at all? It is apparent that such a construction, in either case, would be utterly inadmissible. Why, then, is it entitled to a better support in reference to the judicial department?

If, then, it is a duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language, if imperative as to one part, is imperative as to all. If it were otherwise, this anomaly would exist, that Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution, and thereby defeat the jurisdiction as to all, for the Constitution has not singled out any class on which Congress are bound to act in preference to others.

The next consideration is as to the courts in which the judicial power shall be vested. It is manifest that a supreme court must be established; but whether it be equally obligatory to establish inferior courts is a question of some difficulty. If Congress may lawfully omit to establish inferior courts it might follow that in some of the enumerated cases the judicial power could nowhere exist. The Supreme Court can have original jurisdiction in two classes only, viz, in cases affecting ambassadors, other public ministers, and consuls, and in cases in which a State is a party. Congress can not vest any portion of the judicial power of the United States except in courts ordained and established by itself, and if in any of the cases enumerated in the Constitution the State courts did not then possess jurisdiction, the appellate jurisdiction of the Supreme Court—admitting that it could act on State courts—could not

reach those cases, and consequently the injunction of the Constitution that the judicial power "shall be vested" would be disobeyed. It would seem, therefore, to follow that Congress are bound to create some inferior courts in which to vest all that jurisdiction which, under the Constitution, is exclusively vested in the United States and of which the Supreme Court can not take original cognizance. They might establish one or more inferior courts; they might parcel out the jurisdiction among such courts from time to time at their own pleasure, but the whole judicial power of the United States should be, at all times, vested, either in an original or appellate form, in some courts created under its authority.

This construction will be fortified by an attentive examination of the second section of the third article. The words are, "The judicial power shall extend," etc. Much minute and elaborate criticism has been employed upon these words. It has been argued that they are equivalent to the words "may extend," and that "extend" means to widen to new cases not before within the scope of the power. For the reasons which have been already stated, we are of opinion that the words are used in an imperative sense; they import an absolute grant of judicial power. They can not have a relative signification applicable to powers already granted, for the American people had not made any previous grant. The Constitution was for a new government, organized with new substantive powers, and not a mere supplementary charter to a government already existing. The confederation was a compact between States; and its structure and powers were wholly unlike those of the National Government. The Constitution was an act of the people of the United States to supersede the confederation, and not to be ingrafted on it, as a stock through which it was to receive life and nourishment.

If, indeed, the relative signification could be fixed upon the term "extend" it could not (as we shall hereafter see) subserve the purposes of the argument in support of which it has been adduced. This imperative sense of the words "shall extend" is strengthened by the context. It is declared that "in all cases affecting ambassadors, etc., the Supreme Court shall have original jurisdiction." Could Congress withhold original jurisdiction in these cases from the Supreme Court? The clause proceeds: "In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make." The very exception here shows that the framers of the Constitution used the words in an imperative sense. What necessity could there exist for this exception if the preceding words were not used in that sense? Without such exception Congress would, by the preceding words, have possessed a complete power to regulate the appellate jurisdiction, if the language were only equivalent to the words "may have" appellate jurisdiction. It is apparent, then, that the exception was intended as a limitation upon the preceding words to enable Congress to regulate and restrain the appellate power as the public interests might from time to time require.

Other clauses in the Constitution might be brought in aid of this construction, but a minute examination of them can not be necessary, and would occupy too much time. It will be found that whenever a particular object is to be effected the language of the Constitution is always imperative and can not be disregarded without violating the first principles of public duty. On the other hand, the legislative powers are given in language which implies discretion, as from the nature of legislative power such a discretion must ever be exercised.

It being, then, established that the language of this clause is imperative, the question is as to the cases to which it shall apply. The answer is found in the Constitution itself. The judicial power shall extend to all the cases enumerated in the Constitution. As the mode is not limited, it may extend to all such cases, in any form in which judicial power may be exercised. It may therefore extend to them in the shape of original or appellate jurisdiction, or both, for there is nothing in the nature of the cases which binds to the exercises of the one in preference to the other.

In what cases, if any, is this judicial power exclusive, or exclusive at the election of Congress? It will be observed that there are two classes of cases enumerated in the Constitution, between which a distinction seems to be drawn. The first class includes cases arising under the Constitution, laws, and treaties of the United States; cases affecting ambassadors, other public ministers and consuls, and cases of admiralty and maritime jurisdiction. In this class the expression is that the judicial power shall extend to all cases; but in the subsequent part of the clause, which embraces all the other cases of national cognizance, and forms the second class, the word "all" is dropped, seemingly *ex industria*. Here the judicial authority is to ex-

tend to controversies (not to all controversies) to which the United States shall be a party, etc. From this difference of phraseology, perhaps, a difference of constitutional intention may with propriety be inferred. It is hardly to be presumed that the variation in the language could have been accidental. It must have been the result of some determinate reason; and it is not very difficult to find a reason sufficient to support the apparent change of intention. In respect to the first class, it may well have been the intention of the framers of the Constitution imperatively to extend the judicial power, either in an original or appellate form, to all cases; and in the latter class to leave it to Congress to qualify the jurisdiction, original or appellate, in such manner as public policy might dictate.

It is useless to spend time trying to establish a line of demarcation between jurisdiction and judicial power. The Constitution calls it judicial power and says:

This authority to hear and determine rights between persons and between persons and their governments shall be vested in one Supreme Court and such inferior courts as Congress may ordain and establish, and shall extend to all cases in law and equity arising under the Constitution.

It will simplify matters to state a few unanswerable propositions. The Supreme Court is created by the Constitution; the inferior courts by Congress, by authority of the Constitution, with a limitation and a duty. It is the duty of Congress to create a court or courts with powers coextensive with those of the legislative department, in which every person can have any legal or equitable right arising under the Constitution protected.

If more than one court is ordained and established, it is for Congress to say what causes, case, subject-matter, or rights each inferior court shall take cognizance to decide and determine. In other words, what is commonly known as and called "jurisdiction of the cause." But when the particular court is given jurisdiction of the particular cause, the court can exercise over this cause full judicial power at law or in equity, and it would be not only unconstitutional, but revolutionary for Congress to attempt to deprive the particular court of judicial power over the cause it has been given jurisdiction over; that is, one court may have judicial power over all cases at law; another may have judicial power over all cases in equity; another may have judicial power over all criminal cases; another judicial power over all cases in bankruptcy, and anything short of this would be a denial by Congress of rights the people are entitled to, provided for in the Constitution. As the Constitution could not erect the inferior courts and provide judicial power for each, the authority for it was given to Congress with the expectation that it would be exercised; and when the inferior court is ordained and established there is vested in it by the Constitution judicial power at law or in equity without any limitation, and there is not a line or word in the Constitution that will justify the thought that Congress can take from a court any judicial power at law or in equity over any cause placed by Congress within its judicial power.

In other words, Congress names the subject over which the court shall exercise judicial power, but the Constitution fixes the extent of the judicial power, and Congress can not limit or impair it. If Congress could in one particular, it could in more or in all, and we would have an equitable case confided to a court that could not, by an act of Congress, exercise equitable power and try and determine the case according to equitable rules. It would be revolutionary in Congress to fail or refuse to ordain and establish a court or courts to exercise all judicial power conferred by the Constitution. And when the court or courts have been ordained and established and the subjects separated and assigned to each court, Congress can not interfere and limit the judicial power of the courts, for, as Justice Story said, "It is the duty of Congress to vest the whole judicial power." Take away the power of the court to issue a writ of injunction when the moving papers disclose a case of absolute emergency and it may prevent a complainant from recovering what he is legally and equitably entitled to, and the whole judicial power would not be vested in the courts. If a court can be prevented from issuing a writ of injunction without previous notice—ten days' notice may be required—and the court may be prevented from issuing an injunction in any case. A right to an injunction in a proper case is a constitutional right, and it is a constitutional right that it should issue whenever it is made to appear that irreparable injury will follow a failure to have an immediate injunction.

The right to issue an injunction in a proper case is a part of the judicial power of the United States. All legislative power is not conferred upon Congress; only such legislative power as is granted in the Constitution—that is, if there is a legislative power in the Constitution it must be exercised by Congress—and as far as this judicial question is concerned the only legislative power is to ordain and establish a court or courts that can exercise all judicial power of the United States and not

to take from the courts a power to exercise judicial power over a case confided to it.

In *Riggs v. Johnson County* (6 Wall., 166) the court said:

Process subsequent to judgment is as essential to jurisdiction as process antecedent to judgment, else the judicial power would be incomplete and entirely inadequate to the purposes for which it was conferred by the Constitution.

And in the same case the court further said:

Authority of the circuit courts to issue process of any kind which is necessary to the exercise of jurisdiction and agreeable to the principles and usages of law is beyond question.

In other words, Congress can not deprive a court of judicial power over a subject or case if the subject or case is placed within the judicial power of the court by Congress, as in cases removed by act of Congress from State courts to Federal courts. Congress, in the discharge of its constitutional duty, has provided for the removal of a certain class of cases, and, when removed, Congress can not prevent the court from exercising all judicial power, except by abolishing the court.

If Congress can prevent the issuing of an injunction in a proper case without notice, Congress can prevent the issuing of an injunction in any case. A citizen of a State may derive his right from a State law and may attempt to enforce his right in a State court. It may be a proper case for removal to the Federal court, and either party may find it necessary, in order to protect their rights, to have an injunction. It certainly would be unjust to any litigant to deprive him of the right to an injunction in the Federal court.

To advocate taking away power from courts of equity and preventing a person from obtaining certain rights from the court is to concede that same person has a right to the protection of such power, and it is a step toward anarchy to suggest that a person shall be denied his constitutional rights in a court created by the Constitution to aid him to obtain his constitutional rights.

As far as Congress can operate through and by the Commission in fixing rates, we will probably all agree that Congress can not delegate legislative power; but, on the other hand, it is held, when a statute acts on a subject as far as practicable and only leaves to executive officers the duty of bringing about the legislation pointed out and provided for, it is not unconstitutional, as vesting executive officials with legislative power. (*Field v. Clark*, 143 U. S., 649; *Buttfield v. Stranahan*, 192 U. S., 470.) [Applause.]

Mr. ADAMS of Pennsylvania. I yield to the gentleman from Ohio [Mr. BANNON].

Mr. BANNON. Mr. Chairman, a great deal has been said in the House on the subject of the removal of the duty now imposed upon the hides of cattle both by the advocates of such removal and those opposing it. Those speaking on the subject so far have spoken largely in a general way, and inasmuch as I have collected some special figures and facts concerning this question, I take this occasion of presenting them, in the hope that I may be able to add something, at least, to the information and knowledge desired both by the Members of this House and the country at large upon this important subject.

THE CRY FOR "FREE HIDES" IS MISLEADING.

The term "free hides" is misleading in itself, because the only raw hides which may be used in the manufacture of shoes, harness, saddlery, and other leather articles that are dutiable are the hides of cattle. Many other raw hides are used largely in the manufacture of shoes, such as horsehides and goat, sheep, kangaroo, and calf skins. These are now admitted free of duty. A calfskin is distinguished from cattle hide by its weight, all green salted weighing 25 pounds or less and all dry weighing 12 pounds or less being designated as calfskins, and all over as cattle hides. Paragraph 437 of the Dingley law reads as follows:

Hides of cattle, raw or uncured, whether dry, salted, or pickled, 15 per cent ad valorem: *Provided*, That upon all leather exported, made from imported hides, there shall be allowed a drawback equal to the amount of duty paid on such hides.

It will thus be seen at the outset of this discussion that we do not have to deal with the question of free hides generally, but simply with the question of the raw hides of cattle.

The following table gives the imports of hides for the year ending with December, 1905:

Article.	Quantities.	Values.
Hides and skins, other than fur skins:	Pounds.	
Goatskins.....free..	102,940,811	\$28,506,937
Hides of cattle.....dutiable..	137,612,390	18,384,650
All other.....free..	141,557,241	26,505,831
Total.....	382,140,412	73,397,418

These statistics show that the total value of all hides and skins, other than fur skins, imported during the year ending December 31, 1905, was \$73,397,418, and that the value of hides of cattle imported in 1905 was \$18,384,650, and, consequently, the value of hides imported free of duty for 1905 amounted to \$55,012,768, so that approximately in value three-fourths of the hides now imported are admitted free of duty.

The common impression prevailing is that all raw hides imported into this country bear a tariff of 15 per cent ad valorem, and this impression has undoubtedly been created by the expression "free hides," so often used in discussing this subject and in the public press.

HISTORY OF TARIFF ON HIDES.

The first tariff imposed on raw hides was in 1842, when a tariff of 5 per cent was levied. This was reduced in 1857 to 4 per cent, but again raised in March, 1861, to 5 per cent. In December, 1861, this tariff on hides was again increased to 10 per cent, and remained at this figure until 1873, at which time the duty on hides was entirely removed and they were admitted free until the enactment of the Dingley bill in 1897, by the terms of which, as we have seen, the tariff upon certain hides was fixed at 15 per cent.

Mr. SHACKLEFORD. Can the gentleman inform the committee why it is that only hides of the larger weight are made dutiable and the others are admitted free of duty?

Mr. BANNON. I do not see how that is germane to the question. I might say for the benefit of the gentleman, however, that it is largely due to the agricultural and industrial conditions existing in this country. Here we have good opportunities for the grazing of cattle, and we do not have to sell calves when they are young, but having a large area of grazing lands we can let our cattle graze on these lands and grow into money. That is due to the agricultural conditions. Our principal product in this line is the cattle and not the calves. In the next place, the Republican policy of protection has given a market to the farmer that is surpassed by no market in the world. His great market consists of the wage-earners in our industries. The farmer can get good prices for what he raises on his farm because our labor is employed, and he does not have to sell his calves when they are young, but he can afford to keep them and get the additional profit.

Mr. SHACKLEFORD. Is it not true in that connection that stock that are slaughtered by farmers themselves are usually of the lighter weights, and that the hides of the greater weight come from the cattle that are sold to the beef trust and packing houses?

Mr. BANNON. I think not. But I will come to that question later on.

THE TARIFF ON CATTLE HIDES NOT THE CAUSE OF HIGH PRICE OF LEATHER.

Some of the shoe manufacturers are now complaining of this duty, and inasmuch as they are objecting to it, the reason of their complaint must be found in the fact that the price of leather has been to some extent, in their opinion, increased by virtue of this tariff. The hides of cattle are the most valuable by-product of such animals, and if the price of hides is increased by virtue of this tariff, then, of course, the value of this important by-product of these animals has been affected by it.

In 1890 there were in the United States 52,801,907 head of cattle. In 1900 there were in the United States but 43,902,414 head of cattle. The reason of this decrease is readily accounted for by the fact that during the financial and industrial depression existing from 1893 to 1897 labor in this country was generally unemployed and was without the means to purchase largely of meat, which necessarily limited the demand for cattle, causing a consequent limiting of the supply. In 1905, after nine years of Republican administration (during which time the industries of this country have again been opened to our people, thereby creating a demand for the products from the farm, which was necessarily followed by an increase in the supply of cattle), we find that there are in this country 61,241,907 head of cattle; and if the tariff does increase the price of raw hides, then the value of each one of these head of cattle has been increased and the farmers of this country owning them have received the benefit.

The duty on hides not only adds value to the cattle owned by the farmers, but it also produces a large sum of revenue for the support of the General Government, the amount of the duties collected on such hides for the year 1905 being \$2,757,697.

When we examine this question further, we find that raw hides are divided into two classes, one being known as the dry hides and the other as the green hides, and that it is the dry hides principally that are imported, and consequently it is with such hides that we must now deal in computing how much the tariff would amount to in a pair of shoes, acting upon the assumption that the tariff of 15 per cent adds that much in

value to all the leather produced in this country. Personally, I do not think the duty of 15 per cent on imported raw cattle hides affects appreciably the price of leather. It may affect the price of hides, but not to a greater extent than 15 per cent, and the price of hides has increased much more than this. It is true that at the present time the price of leather is extraordinarily high, but this is due to the unprecedented demand caused by the wonderful increase in its use. Leather is being now more generally used than ever before.

The extensive construction of automobiles alone furnishes an example, for in each of the thousands of these machines now in use from two to three hides were used in the leather fittings. During the last few years a greater variety and number of articles are being made from leather than formerly, and the demand for these articles has been phenomenal. In 1900 the saddlery and harness products of this country increased in value 18.2 per cent over those manufactured in 1890; pocketbooks, trunks, and valises, 43 per cent; leather belting and hose, 23 per cent; and leather, tanned, curried, and finished, 18.5 per cent. Naturally this extraordinary increase in the manufacture of leather goods has caused a greater demand for leather, thereby increasing both the price of leather and hides. The supply of hides and the demand for them regulate the price and cause it to fluctuate. While the price of hides is now double what it was in 1894, yet between the latter half of 1902 and the first half of 1904 the reduction was 18½ per cent. That the 15 per cent duty on raw cattle hides is not the cause of the present high price of leather and hides is proven conclusively by the fact that the price of calfskins, which are on the free list, has also increased proportionately with those of cattle.

In considering this question there is another fact that should not be overlooked, and that is the heavy exports of hides. The quantity exported for 1904 was two and one-half times greater than the quantity exported in 1903. Our annual export of hides is as follows:

Export of hides.

Year.	Pounds.	Value.
1905	10,208,722	\$1,051,641
1904	32,727,643	3,246,887
1903	12,859,949	1,224,409
1902	9,375,947	906,504
1901	11,161,749	1,064,952
1900	7,486,256	804,674
1899	10,140,840	929,117
1898	11,536,073	1,015,032
1897	31,119,106	2,338,530
1896	39,545,324	3,854,946
1895	36,002,859	2,310,323

Such a heavy demand for our hides from foreign countries during the past two years will admit of two deductions: First, the prices here are not unreasonable when compared with prices in foreign markets. Were it otherwise these hides would not be sold to the foreign trade. Second, this extraordinary demand, created in a large measure by the Russo-Japanese war, is one of the controlling factors fixing the present price. It is far more logical to attribute the high price to this cause and the others I have enumerated rather than the 15 per cent duty, but it is the combination of all these causes that has produced present prices. The demand is great and the supply not adequate. The same causes exist in free-trade England. Consul Hamm, of Hull, in the Daily Consular and Trade Reports for March 31, 1906, says:

The advance in cost of hides and leather in England, it is asserted, was caused by the heavy war demands. The South African war and the Russo-Japanese war are said to have created a famine in hides and leather of all descriptions. Reserves of leather throughout the world have been nearly exhausted, and the tanneries, many of which were out of operation, will need a long time to regain business.

Mr. SIMS. May I ask the gentleman a question?

Mr. BANNON. Certainly.

Mr. SIMS. It is the gentleman's contention then that the tariff on these hides enhances the price of the hides?

Mr. BANNON. Not to a greater extent than 15 per cent.

Mr. SIMS. Did I not understand the gentleman to say that the smaller hides, the calf hides, had advanced just as much as the others?

Mr. BANNON. Yes; proportionately.

Mr. SIMS. Then how does the gentleman conclude that the tariff on the heavier hides makes them advance, whereas the others, without the tariff, advance as much?

Mr. BANNON. The price of calfskins has not advanced exactly to a cent as much as other hides. I said proportionately. Approximately might have been better.

Mr. SIMS. I understood the gentleman to say it was the same.

Mr. BANNON. The gentleman is confusing the difference between leather and hides. I do not think the tariff on hides increases appreciably the price of leather.

In the same report he also says:

As the high price of hides prevails in free-trade England, as well as in protection America, there must be some other cause than the tariff that produces these high prices. The manufacture of boots and shoes is also prosperous in America, while in England it is depressed.

This is evidence of the highest character that present prices are not due to the tariff.

Leicester is the great center of boot and shoe manufacture in England, as Brockton and Lynn are in Massachusetts. A correspondent of the Yorkshire Post sums up the situation in that city as follows:

The great scarcity of all descriptions of leather suitable for boot and shoe manufacture has brought about an acute crisis in the trade, and very heavy losses have been suffered. Manufacturers who had booked large orders for delivery in March and April now find that it is impossible to secure adequate supplies of leather, and what they do secure can only be purchased at a great advance in prices. It is impossible to meet the contracts placed except at a very heavy loss, and the position has become so bad that large manufacturers declare that nothing like it has been experienced for fifty years. Manufacturers are compelled to appeal to buyers to revise prices and to pay enhanced rates on the orders already placed. Where this is done manufacturers will be able to tide over their difficulties, but where buyers insist upon deliveries in accordance with the terms of their contracts enormous losses will be suffered.

Surely the tariff levied by the United States on imported cattle hides can not be said to be the cause of the scarcity of leather in Leicester, for it is well known that England levies no such tariff, yet the conditions are more acute there than here.

The following table shows the average wholesale prices of sole leather and hides from 1890 to 1905:

Average annual wholesale prices of leather and hides, 1890 to 1905.

Year.	Leather.		Green salted, packers' heavy native steer hides (price per pound in Chicago).
	Sole, hemlock, Buenos Ayres, middle weights, first quality (price per pound).	Sole, oak, scoured backs, heavy (price per pound).	
1890.....	\$0.1921	\$0.3771	\$0.0933
1891.....	.1858	.3679	.0951
1892.....	.1727	.3421	.0870
1893.....	.1796	.3483	.0749
1894.....	.1715	.3279	.0641
1895.....	.2073	.3421	.1028
1896.....	.1881	.2925	.0811
1897.....	.2033	.3079	.0996
1898.....	.2129	.3213	.1151
1899.....	.2254	.3358	.1235
1900.....	.2490	.3608	.1194
1901.....	.2475	.3525	.1237
1902.....	.2367	.3800	.1338
1903.....	.2267	.3742	.1169
1904.....	.2258	.3450	.1166
1905.....	.2230	.3063	.1430

The figures disclosed by this table are interesting. The price of green salted hides in 1890 is shown to be \$0.0933, while the average price of oak sole leather for the same year is \$0.3771. In 1905, with the price of hides about 5 cents per pound more than they were in 1890, we find the price of oak sole leather to be about 1 cent per pound less than it was in 1890. The average price of green salted hides in 1894 touched the lowest point, while the price of oak soles was lowest in 1896. In other words, the price of oak soles does not seem to bear any fixed proportion or ratio to the price of hides. Because hides slightly increase in price it does not necessarily follow that leather increases in price; and this being the case, it can not be said that the small duty of 15 per cent on hides affects the prices of leather, although, as I have said, it may increase the value of the hide to that extent.

AMOUNT OF TARIFF IN LEATHER MADE FROM CATTLE HIDES.

The method of computing the amount of the tariff on raw hides used in the manufacture of leather is as follows: One hundred pounds of dry hides will produce from 150 to 185 pounds of leather, and we can safely put it at an average of 175 pounds. At the present high prices of dry hides they are worth 20 cents per pound, and if the duty has increased the price 15 per cent such increase would be 3 cents per pound, or for the 100 pounds the duty would amount to \$3. This quantity of raw hide will produce 175 pounds of leather, and the duty in this quantity will, of course, be \$3. If the duty on 175 pounds of leather is \$3, in 1 pound of leather it is $1\frac{1}{4}$ of a cent. At normal prices this small amount is greatly reduced. When we apply this to any particular pair of boots or shoes we find that the tariff represented therein must necessarily be very small indeed. Take, for instance, the shoes of women and

children. They are not made from cattle hides, but the leather in the uppers is made from sheepskin, goatskin, and, occasionally, calfskin. The only portions of their shoes that contain any cattle hide whatever are the soles and heels, and inasmuch as the weight of these is very light, because such soles are quite thin, it will be seen that the duty represented in these soles and heels is not appreciable.

In all the higher grades of men's and boy's shoes worn in this country—and they are the ones now commonly worn—the leather in the soles and heels is also the only portion bearing any tariff, because the uppers of this grade of shoes are made of kid, calf, kangaroo, or goat skins, or horse hides; and the way to determine the amount of the tariff in such shoes is simply to take the weight of the soles and heels and multiply that by the amount of 1 $\frac{1}{4}$ cents, and you have the result. It will readily be seen that it is so small it can not affect the retail price of shoes, because in no case does it exceed 2 cents per pair. The only boots and shoes made altogether from cattle hides are worn principally by the farmers, and in order to determine the amount of the tariff thereon multiply the weight of a pair of such boots or shoes by 1 $\frac{1}{4}$ cents. Even in this case the amount is too small to affect the retail price; but granting that it does, the farmer raises the cattle from which the hides are taken, and when he sells them he gets the advantage of the increased price. The shoe known as "Little's brogan" is worn largely by the farmer. It is made from cattle hides, and the weight of a pair of these shoes is 3 pounds; so the tariff represented in them can not exceed 5 cents. Different grades of these shoes retail at \$1.50, \$1.75, and \$2 per pair. It is folly to argue that the removal of this tariff will result in these shoes being sold for \$1.45, \$1.70, and \$1.95 per pair to the wearer. Heavy boots are no longer worn to the extent that was formerly the case, and the better grade of the brogan has largely taken their place. I am informed by extensive dealers in such boots that where twenty-five cases were sold formerly but one is sold now.

The leather required to make a double set of farm harness is about 30 pounds. The duty in it approximates 50 cents. This will not affect the retail price, but if it does, who pays it? The farmer, and he is the one who sold the hides and received the benefit.

THE FARMERS ARE PROTECTED BY THIS DUTY.

In 1902-3 the average net value of hides per head fluctuated between \$6.93 and \$5.79, so it will be safe to roughly estimate the average value of each hide at \$6, although to-day they are worth more. This would make the hides on the 61,241,907 cattle in this country worth \$367,051,442; and if removing the duty of 15 per cent from these hides reduces the price to that extent we find a loss to the farmers of this country of \$45,057,716.

Last year there were slaughtered in this country 12,500,000 head of cattle, and the hides of these animals were worth at least \$75,000,000. If 15 per cent of the value of these hides is to be taken away from the farmer this means an annual loss to him of at least \$11,250,000.

Mr. SIMS. Right in that connection, how can it have that effect? Unless all the hides are heavy hides, they can not be affected by free trade.

Mr. BANNON. I do not think the duty affects all hides; but the manufacturers who come here asking for the removal of the duty—and they are backed in their desires by the minority—claim that the 15 per cent duty does affect all hides.

Mr. SIMS. Because you made your calculation upon that is the reason I asked the question.

Mr. BANNON. I am taking their argument and trying to answer it. If the duty increases the value of hides, removing it will decrease their value.

The tanneries in this country are protected by the levying of a tariff on all tanned or finished leather imported into this country. The shoe manufacturers of America are protected by a tariff on foreign-made shoes. The manufacturers of harness and saddles receive the benefit of a protective tariff. So do the manufacturers of leather trunks and valises. These industries have grown wonderfully in America, the total production of leather manufactures having increased from \$109,734,643 in 1850 to \$615,720,395 in 1890, or about sixfold, our population during the same period of time having increased about three and one-quarter fold. The average number of wage-earners employed daily in 1900 in these industries was 251,920, to whom was paid during that year \$105,571,000 in wages. This magnificent showing is a result of the Republican policy of protection to these industries; and, having prospered as they have, complaint should not now be made by them because the American farmer, who is the greatest and best consumer of these products, likewise enjoys the benefit of a protective tariff upon the hides

of the cattle raised by his labor, thrift, and economy. The Republican party enacted the law which afforded this protection to the farmer and its Representatives in Congress are entitled to their support. [Applause.]

There can be no question but that the farmer gets the benefit of this protection. Advocates of free raw cattle hides maintain that he does not get this benefit, but that the so-called "beef trust" does. Their contention gives little credit to the intelligence of the farmer. To come to this conclusion they are forced to assume that the hides of cattle are such an unimportant by-product and of such little value that they are not taken into consideration in fixing the price of cattle.

Let us see about that. On September 13, 1905, Swift & Co. made a test of the cost, expense of handling, dressing, and selling an average lot of eighteen steers. These animals weighed 23,080 pounds, and cost, at \$3.60 per hundredweight, \$830.88. The hides taken from them weighed 1,288 pounds, and were sold for \$172.10. The value of the hides was equal to one-fifth of the cost of the cattle. This is almost invariably the case. The farmer knows that. He knows that the hide is one-fifth of the value of his animal; and if that hide is protected by a duty of 15 per cent he gets the benefit. If that duty is removed, upon him must fall the loss, and there will be no resulting benefit to the retail buyer of shoes, harness, and other leather articles.

MASSACHUSETTS HAS NO CAUSE TO COMPLAIN.

The State of Massachusetts by the census of 1900 is reported to be the first in rank in every item relating to shoe manufacture, having produced 44.9 per cent of the total output of boots and shoes for the entire country during that year, and, consequently, some of the Representatives in Congress from that State have been industrious and persistent in their advocacy for the removal of the duty from raw hides of cattle.

During the decade between 1890 and 1900 the State of Ohio, which I have the honor to represent in part, made a notable advance in the production of shoes, passing from the seventh rank to that of fourth; and the prosperous city of Portsmouth, in which I reside, advanced in the manufacture of shoes from a rank so apparently unimportant in 1890 that it was not reported at all by the Census Bureau to that of eighteenth in the cities and towns of the United States; and the manufacture of shoes in that city is conducted upon such a sound financial basis and by such careful, considerate, and able employers and faithful, capable, and industrious employees that I believe the next decade will see the position of that city again materially advanced.

With reference to Massachusetts, the United States Bureau of the Census on April 16, 1906, issued a preliminary summary of the census of manufactures of Massachusetts for 1905, and the following is a table showing a comparison of the boot and shoe industry and the leather industry of that State for the years 1900 and 1905:

Industry.	Year.	Number of establishments.	Capital.	Salaried officials, clerks, etc.	
				Number	Salaries.
Boots and shoes	1905	502	\$49,529,728	3,400	\$3,245,029
	1900	640	37,577,630	2,546	2,487,013
Leather, tanned, curried, and finished.	1905	132	27,070,206	526	688,334
	1900	119	15,317,940	355	405,648

Industry.	Year.	Wage-earners.		Miscellaneous expenses.	Cost of materials used.	Value of products, including custom work and repairing.
		Average number.	Wages.			
Boots and shoes	1905	62,633	\$33,160,667	\$8,340,835	\$88,493,009	\$144,291,426
	1900	58,645	27,745,820	4,826,896	75,751,964	117,115,243
Leather, tanned, curried, and finished.	1905	9,074	4,556,327	1,942,733	23,040,897	33,352,999
	1900	7,010	3,379,698	662,553	19,793,757	26,067,714

From an examination of this table it will be seen that the amount of capital invested, the number of salaried officials, the number of wage-earners, the amount of wages, and the value of the products have increased very materially between 1900 and 1905. It would thus seem that this industry is in a most prosperous condition, and that a steady and marked advance is being made by the manufacturers of that State in the production of leather and boots and shoes. Certainly the men of Massachusetts owning these industries are not doing business at a loss. If they are the novelty of it has appealed to them so that they are increasing the output on which they lose. It can not be said from this record that the tariff on raw cattle

hides has had a depressing effect on this industry in Massachusetts.

INCREASE OF OUR FOREIGN TRADE.

Our domestic trade in leather and leather goods has not only steadily increased, but our foreign trade as well. The following table shows the exports of boots and shoes since 1891, and that such exports are steadily increasing:

Exports of boots and shoes.

Year.	Pairs.	Value.
1905	5,315,699	\$8,057,607
1904	4,642,531	7,238,940
1903	4,197,596	6,665,017
1902	3,966,766	6,182,068
1901	3,494,041	5,523,290
1900	3,016,720	4,726,656
1899	1,934,277	2,711,385
1898	1,307,031	1,816,538
1897	1,224,484	1,708,224
1896	1,036,235	1,436,686
1895	822,412	1,010,228
1894	647,318	777,354
1893	493,027	590,754
1892	745,112	914,974
1891	551,735	651,343

Under the Wilson and McKinley bills, which left cattle hides on the free list, our exports of boots and shoes were in value, during the best year, less than one and three-quarter millions of dollars, while under the Dingley bill, with a tariff of 15 per cent ad valorem on such hides, our exports of these commodities have reached the annual value of more than \$8,000,000. Certainly this tariff has not hurt our foreign trade in boots and shoes.

Our exports of leather and its manufactures have also increased, as the following table will show:

Exports of leather and manufactures of leather.

1905	\$37,936,745
1904	33,980,615
1903	31,617,339
1902	29,798,323
1901	27,923,653
1900	27,293,010
1899	23,466,985
1898	21,113,640
1897	19,161,446
1896	20,242,756
1895	15,615,407
1894	14,283,492
1893	11,912,154
1892	12,084,781
1891	13,278,847

That this duty has not injuriously affected these exports is shown by the fact that they have doubled in value under the protective tariff on cattle hides, having increased from \$19,000,000 in 1897 under free hides to almost \$38,000,000 in 1905 under protection to cattle hides. The increase for 1905 over 1904 will compare favorably with that of any successive years in both of these industries.

Bradstreet's for March 3, 1906, says:

Foreign buying of grains, satins, and split leather is active in Boston. Hides are dearer. Foreign buyers have bought freely of salted domestic buff hides, and have paid prices declared by American tanners to be too high.

This statement naturally prompts the inquiry as to why foreigners are here buying our hides and leather and shoes if our duty of 15 per cent on a few hides increases the price of all of our supply of hides and leather to that extent, and the inquiry is a complete answer to the proposition. Great Britain admits free of duty hides and leather and the manufactures of leather. In the present condition of our foreign shipping Great Britain's facilities for importing hides are far better than ours, yet she took from us last year sole leather valued at \$4,449,410, and other leather valued at \$11,072,078; of boots and shoes we sent to the United Kingdom \$1,943,845 worth. If this duty is adding to the price appreciably, how can we sell abroad?

Those who are contending for the removal of the duty from the raw hides of cattle tell the manufacturer of leather goods that such action will give him increased profits on the output of his factory. That is done to interest him in the project, and it usually has the desired effect. They then tell the wage-earner employed in the same factory that if this tariff is removed the price of the raw material necessary to make the finished product will be decreased and the result will be that he will get an increase in his wages. Naturally that interests him. But they do not stop there; they go to the retail dealer in leather goods and tell him that his profits as a retailer will be increased if the duty is removed from raw cattle hides. But that is not all. They take another step down the line, and they tell the consumer of these commodities that he will be able to

buy them at a largely reduced price if this small duty is removed. I have shown you that this duty is so small that it can not appreciably affect the retail price of commodities that are manufactured from leather. Suppose it is 5 cents per pair on brogans, this small amount can not be given to the wage-earner and the manufacturer and the retail dealer and the consumer. If you give it to one of them manifestly you can not give it to the other three; and if it is to be divided among these four classes it becomes a matter so trivial that it is not worthy of consideration, it becomes absolutely nothing to them. The inconsistency of the position of these agitators on this subject is so apparent in this regard it is not worth while to continue the discussion of it further. [Loud applause on the Republican side.]

THE DEMOCRATIC DOCTRINE A MENACE TO THE FARMERS, MANUFACTURERS, AND WAGE-EARNERS.

The position of the Democratic party on this question was stated by the gentleman from Missouri [Mr. CLARK] on January 5, in a speech that is strong and instructive, reflecting, as it does, the research and ability of this able man. I quote from his remarks appearing at page 769 of the RECORD:

What do the Massachusetts Republicans want in the way of tariff reform? They want free hides, free coal, free lumber, free raw materials for their factories; but the Massachusetts tariff reformers need not conclude suddenly and prematurely that all the rest of the tariff reformers in this country are idiots. They can get free hides provided they will cut down the tariff on boots and shoes and harness and leather sufficiently, but they will not get free hides unless they do that. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Massachusetts?

Mr. CLARK of Missouri. Yes; with pleasure.
Mr. GARDNER of Massachusetts. Will the gentleman from Missouri support a proposition for free hides coupled with a proposition to take the duty off the products of leather?

Mr. CLARK of Missouri. So quick that it would make your head swim. [Laughter.]

Mr. GARDNER of Massachusetts. At all events, then, we have a valuable ally.

Mr. CLARK of Missouri. You have got me right now on that. Senator LODGE, as I understand it, advocates repealing the tariff on hides, because "it is such a little one," two million and something. Now, if they will go the whole hog up there and remove the tariff on boots, shoes, and leather, we can come to an agreement and pass it through this House.

The price which the manufacturers of commodities made out of leather must pay for the removal of the duty from the raw hides of cattle is the removal of the tariff on boots, shoes, and leather. That is what the Democratic party offers them. Since that day ample time has elapsed to permit those engaged in the manufacture of leather goods to petition for the removal of the duty now levied to protect their industries.

The fact that they have not generally responded to this invitation is significant. They don't care to make the trade. In 1900 there was invested in the manufacture of leather in this country \$173,977,421. The value of the product for the year was \$204,038,127. The sum of \$22,591,091 was paid for wages. In the same year there was invested in the boot and shoe industry \$101,795,233. The value of the product was \$261,028,580, and the amount of the wages paid was \$59,175,883. To get free raw cattle hides we must bring these industries and the men employed in them into competition with the industrial conditions prevailing in foreign countries.

The proposition is to compel our labor to compete with foreign labor inadequately paid and denied the equal opportunities enjoyed by the American mechanic. It is not the creed of the Republican party to do that, and this position of the Democratic party only furnishes an additional reason why districts in which there are industries engaged in manufacturing leather or the articles made therefrom should return Republican Representatives to the Sixtieth Congress. [Applause.] The policies of the Democratic party would destroy the protection thus afforded to the farmer, to the manufacturer of all articles made from leather, and to the tens of thousands of American wage-earners now employed in these industries. The policies of the Republican party will continue to protect them against the cheap labor of foreign countries and will maintain the prosperity now so generally enjoyed by our people. [Loud applause on the Republican side.]

Mr. FLOOD. I yield to the gentleman from New York.

Mr. GOULDEN. Mr. Chairman, on the 25th of April the House had the pleasure of listening to the distinguished gentleman from Ohio [Mr. GROSVENOR].

His splendid rhetorical effort on the merchant marine appeared May 4, and occupied thirty-six pages of the RECORD.

The gentleman has been giving much of his time for many years to the question of ship subsidy, and so far as the advocacy of this species of class legislation is concerned he is perhaps the best authority to-day in Congress. Aside from this, he is noted as an adroit debater and an able advocate, so that what he says on any subject, and particularly on this much-

discussed question, is entitled to consideration. As the chairman of the Committee on Merchant Marine of Congress and a prominent member of the Merchant Marine Commission, appointed early in 1904, that took testimony in eighteen of the leading cities of the country, his views demand more than ordinary attention from the Members of this House. He is very frank in his opening, and I shall give the paragraph entire, so that you may realize just what he proposes in this matter:

Mr. Chairman, I propose to address the House this morning on the topic of the ship-subsidy bill, a topic that is usually discussed with a great deal of interest pending campaigns before the country, and about which very little interest is manifested after the election. The language that is used ordinarily by the candidate for President, the party platform, the campaign speakers, and the candidates for Congress who are running before the people is to announce that they are in favor of "encouraging" the building of ships. I embrace this opportunity to announce that the time for "encouragement" has passed and the time for assistance is now here. It will not answer in the future for any political party or any candidate for any office to mislead his hearers by the use of the word "encourage."

Encouragement is a dead letter, and the American people who favor some action in behalf of this great measure now demand that the friends of the measure shall cooperate to assist, and "encouragement" will be hereafter ruled out in party platforms and in inaugural addresses and in messages to Congress and in solicitation for support by industrial forces of the United States.

You will notice that he calls it a *subsidy* and drops the usual word "encourage," and boldly asks for assistance for this infant industry, now more than one hundred years old in this country. He begins his argument when the more diplomatic advocates for a ship subsidy end their pleas for assistance. [Applause.]

The money of the country is too profitably employed now to enter the field of shipbuilding.

When every argument of the ship-subsidy advocates is destroyed they bob up with their last and greatest, that we must have an auxiliary fleet and that ships under American registry can only supply this need. I like the statement of the Merchants' Association of New York, and I shall quote an extract of the reply sent March 5, 1906, by George L. Duval, chairman of the ship subsidies and shipping committee, to the inquiries from my friend the gentleman from Pennsylvania [Mr. WANGER]:

Whatever aid is accorded by the Government to the development of the shipbuilding industry should be in the nature of a tax upon the entire body politic, because the subsidy proposed can not be defended as an aid to commerce, but only as assistant to a necessary adjunct in the national defense.

If ever an admission against a special interest was well stated, it is found in the above paragraph.

It is not our duty to build ships which may be used as an aid to war vessels, and to claim that they can be used as freighters. A ship to be a good freighter must have a maximum amount of hold, with a minimum waste for storage of coal. In other words, it is bound to be a slow ship. In battle a ship must be able to strike quickly, get away quickly, maneuver quickly, and be ready to strike again.

I read from Doctor Meeker's work, an expert authority on this subject, pages 215-216:

The policy of giving extra admiralty subventions to vessels convertible into cruisers in case of war is followed by England. The results are not satisfactory. Vessels built after admiralty plans are neither good merchant vessels in peace nor good cruisers in war. The coal bunkers and machinery take up too much room for a merchant steamer. They are too slow to run away from the very swift vessels built solely for cruising and too light to fight. The British board of admiralty reported in 1902 that the amounts already spent in admiralty subventions were practically wasted and recommended that these payments be discontinued. War vessels are so highly specialized now that a merchant vessel can not economically be made over into a naval auxiliary. Fast steamers built solely for commercial purposes make far better transport ships than do the convertible cruisers. The use of the vessels of the American Line as cruisers during the Spanish-American war did not furnish any evidence tending to modify these views. To expend large sums of money in creating a fleet of inferior merchant vessels capable of being converted into fourth-rate cruisers is neither economical nor politic. It is better, then, to have the mail steamers built solely for commercial ends. In any case the postal and admiralty subventions have no connection with building up the general merchant marine.

The necessity for subsidizing our ocean-going tonnage in order to train up recruits for our Navy is not pressing. The people interested in subsidy measures overlook the fact that the United States ranks next to Great Britain in tonnage of shipping to-day, and has ranked second from the beginning of the nineteenth century. In ocean tonnage engaged in foreign trade we rank third, close after Germany. It is asserted that subsidies to our fisheries are especially desirable, as most of the marines and sailors employed on our naval vessels come from the fishing vessels. If this is really the fact, perhaps the fishing bounties are justifiable. But, so far as technical skill is concerned, a fisherman is no better instructed in the kind of labor required on board a war vessel than is a canal boatman. The idea that a large ocean-going marine is needed to strengthen our Navy in time of war is utterly fallacious. A large merchant marine is in time of war a source of weakness, not of strength. Nobody takes seriously the provisions of the treaty of Paris declaring the shipping of an enemy to be neutral in time of war. Merchant vessels must be protected against the cruisers of an enemy, thus subtracting from the available force of the fighting navy.

Unless the argument as freight carriers is thrown aside, the ships proposed to be built from public funds can not have speed

and carrying capacity combined. The two ideas are incompatible. In the case of passenger steamers there is some plausible pretext permissible; but the advocates of this bill have thought it wise not to ask the taxpayers of the country to give up their money in order to make passengers go to Europe quickly, and it is inconceivable to believe that we want to import laborers at reduced rates of passage to compete with our workmen, so that we can drop the argument for passenger steamers, and freight steamers are useless as auxiliary to our naval force, or even as transports, which should be swift-going vessels. The lesson of the Russian defeat is not lost on us. Among the many causes that brought it about, the lack of homogeneity of the Russian ships was not the least. The slowest ship sets the pace for the squadron, and in any battle a weak ship is the opening for a clever attack, so that the proposed ship-subsidy advocates, if successful to force our freighters on our men-of-war, would be aiding and abetting the enemies of our country in its hour of need, for these ships would be neither fish nor fowl nor good red herring.

My opposition to any form of ship subsidies is based on the Golden Rule, on the teachings of the Sermon on the Mount, as well as on the modern enunciation of this cardinal truth of "Equal rights to all, special privileges to none," in Jefferson's words, so tersely restated by our great President, who proclaims himself in favor of "A square deal to every man; no more, no less."

How can "a square deal" be reconciled to a bounty wrung from the public; paid for by every man, woman, and child in the country? A bounty is a tax levied on the public to accomplish some uneconomic need. In its ultimate analysis it is another attempt to raise ourselves by our bootstraps if successful, and in the meantime to tax the whole community for the benefit of a few. We start out by paying a few millions a year to help the shipping business by taking "the money from the Treasury not otherwise provided for," yet we know that this is wrung from the people by indirect taxation of the most severe and relentless kind. Every time some poor woman in my district buys cloth for a dress, or a man buys a hat or smokes a pipe, some portion of their earnings have been diverted by devious means of indirect taxation to swell the funds of the public not needed for the expenses of the Government. This has been going on at so monstrous a rate that formerly we had a surplus in which every trust and every protected industry tried to stick its nose and partake of the Government pap.

How shallow and maladroit, how insincere is its belated appeal to moral ideas in this ship bounty business when it wants to spend other people's money on the pretext, mind you, for it is only a pretext, that our flag should fly at the main truck of our sea-borne commerce. In a few moments I shall take up the argument of the contradiction involved in paying other people's money to encourage ship building and show how incompatible it is with the claim for a ship subsidy to further ocean carrying. I shall read a clever exposition of the fundamentals from Doctor Meeker's history of shipping subsidies, in his testimony before the Industrial Commission in 1899:

Experience has shown that if a new country possesses superior advantages capital from outside is ever likely to be attracted there in order to take advantage of the opportunities offered rather than to attempt the destruction of newly founded industries by destructive competition from a distance. These considerations make it advisable to avoid granting bounties, even were it possible to show that, if properly administered, a net gain would result.

The critical objections of the free trader, though having an economic bearing, are primarily political and ethical in character. They come up like the lean kine in Pharaoh's dream and devour the fat, sleek, prosperity-promising kine of the protectionist. Nevertheless, there remains the theoretical possibility that state aid to young industries may, under certain conditions and with right direction, accelerate the increase in national wealth. Given these economic conditions, which are said to exist very often, and the only assumption necessary is a government by men of knowledge, honesty, and power.

But if the political and ethical evils of protection were not sufficient to condemn it, there are good reasons for thinking that the shipbuilding industry in the United States does not conform to the conditions of an infant industry. For several years steel plates, beams, and angles have been produced in the United States more cheaply than anywhere else, so that a bounty is scarcely needed to develop our infant steel industry. It does not necessarily follow from this that ships can be built in the United States more cheaply than in England or Germany. According to the commissioner of navigation, the steel and other material going into a steel steamship constitute only about one-fourth of the entire cost. The costs of assembling and finishing are then by far the more important elements in the final cost of a ship.

We must not be too hasty in accepting these statements, however, for they come from an ardent devotee of the subsidy policy. The present commissioner was formerly very much opposed to subsidies and furnished statistics in 1894 proving conclusively that steel ships could be built as cheaply in the United States as in England. Since 1898 he has been engaged in figuring out the exact amount of subsidy necessary to overcome the higher costs of construction and navigation under the American flag. The estimates of these differences in costs have diminished in amount so enormously and so capriciously since the original estimate of 1898 that their accuracy is very doubtful. The first estimate must have been much too high; and what is to insure us that the present estimates are not equally incorrect?

The comparisons of wages in different countries made by the commissioner are worthless, and the conclusions drawn from them are silly. No idea is given by these comparative tables regarding the varying conditions of employment, methods of payment, or efficiency of the workmen. We are gravely informed that day wages of workmen in shipbuilding are 50 to 100 per cent higher in America than in England, and from 40 to 60 per cent higher in England than in Germany. If these figures really proved what they are supposed to prove (i. e., higher labor cost in the United States), they would show the utter impossibility of England building ships. If there was any such enormous difference in real wages for laborers of like efficiency, to attempt the equalizing of the differences by a bounty would be absurd. The fact that steel and iron construction of other kinds is done in America more cheaply, as a rule, than in other countries shows that the efficiency of the American workman in the steel industry more than makes up the difference in his wages. The higher cost of ship construction in this country is not due to the higher cost of labor per unit of product, except in those cases where employment is unsteady and the labor force must be maintained on less than full-time work.

It is thought by many that these higher costs do not really exist. Our shipbuilders have constructed several war vessels at prices below the bids made by the strongest English firms, and it is generally recognized that in the building of first-class yachts and torpedo boats American builders lead the world. This, however, does not prove our ability to construct merchant steamers as cheaply as the English.

The commissioner of navigation in 1900 estimated the difference in favor of the English builder at 28 per cent. The estimates vary a good deal, but it is admitted, except by the most partisan antisubsidy agitators, that the English do build ships for the ocean transport more cheaply than we can. It would be strange if this were not the case. The American capitalist requires a higher rate of interest on his capital than that prevailing in England. This is, of course, due to the fact that capital is more productive in America. But in shipbuilding, conditions of the productivity of capital are reversed. Where an American shipyard turns out one steel vessel an English yard turns out a dozen, many of them on the same model. The English builder is able to use many identical parts, while the American builder is fortunate if he can use duplicate parts. It costs no more to superintend the building of a dozen ships than to superintend the building of one. Expensive machinery and highly paid skilled labor are constantly employed in English yards, while until recently the American yards experienced long periods of idleness, during which interest on capital, depreciation of plant, and wages of the necessary labor force consumed profits. The economies in the cost of building and of superintendence, due to organization of the industry on a large scale, give England its great advantage over the United States and all other rivals. In the building of single war vessels these economies vanish, for few duplicate parts can be used, the materials are of a special character, and the superintendence more costly. Some American yards have made a specialty of constructing the finest yachts, and therefore lead the world.

I do not believe that by the popular mandate this body has acquired, collectively, superior wisdom than its individual Members would have outside this Chamber. Why, then, should we, by spending other people's money, say to the capitalist shipbuilding is a good thing, and we'll guarantee you against losses? If shipbuilding on a large scale were a paying proposition, as I think it would be if we had no steel trust; if our coal and iron were not in the hands of our so-called "common carriers;" if the railroads had not parceled out the country and made impossible domestic free trade, which Chief Justice Marshall dreamed of for this American Empire, then this would become a reality. But domestic and foreign capital, which built our railroads and their betterments, will not invest in shipbuilding under the chaotic conditions of commercial lawlessness brought about by your tariff system of protection. It refuses to have anything to do with shipbuilding on a large scale. Capital will not invest in the attempt to grow citrus fruits, oranges, and lemons in Minnesota, New York, or Vermont, and for the same reason it will not recklessly embark in shipbuilding, which would at first, at least, not give it an adequate return.

At this point our collective wisdom is invoked to take from the necessities of the people, from the breakfast table, from their clothing, from the package of tobacco, and bread and butter of the people, and guarantee against loss a group of gentlemen who shall build ships. Would not every argument against ship subsidies apply to every other scheme of graft, to every scheme of dubious commercial stability? Does not the same argument apply in favor of every oil well, gold and silver mine, and every industrial and fraternal insurance without a proper reserve that finds it hard to compete with solvent concerns—solvent because by good management, careful selection, they have acquired wealth for their policy holders. [Applause.]

So much for the general views. If the majority insists on disguising its diversion of public moneys by the specious pretext that we should build our own ships, let us at least understand what that means. In other words, you are willing to spend public moneys in private shipyards, not to get ships, but to get work done. If you wish to spend public money on public work, it were a thousand times more beneficial to the entire country to build good roads, and begin right here, within the sight of the Dome of this Capitol, and all through the backward sections of this country. That this is not done is because our farmers have no lobbies, do not stand together, and can not deliver the vote of their workmen.

If the object were to own American ships, if it were really the intention of the advocates of this bounty business to carry our commerce in American-owned ships, you would not have

this insistent, recurrent, and organized demand of a well-regulated and all-pervasive lobby. But the claim of using the ships, of showing our flag in the harbors of the world, is but a pretext. If we want to own ships under our own flag, let us permit those American citizens who have purchased foreign ships to register them here, under such regulations as to ownership as Congress may enact. This is what is done in other commercial business interests. But that the shipbuilders don't want. They want us to build ships, not to use them. A ship must, by its very nature, bring return freights, and in this the comparison between an American-built house and an American-built ship falls to the ground. An edifice becomes part of our national domain, fixed and permanent, built by Americans and for Americans, whereas a ship must depend for its livelihood and earning power on its return freights. A ship, in other words, by its nature and being, is of an international use. Unless, therefore, you are protection mad you can see that the argument for a foreign-built ship is a totally different thing from a foreign-built house, engine, or dynamo, which savor of the reality.

The interests of the shipowner are to purchase ships as cheaply as possible. The advocates of this bill know this quite as well as we do, and this bill does nothing to further that end. The interests of the shipbuilder are diametrically opposed to the shipowner, and normally these conflicting interests would be antagonizing one another were it not that the chance of getting enough graft from the Public Treasury by this proposed bill had unified conflicting interests. The labor unions and the farmers' organizations, through the American Federation of Labor and the National Grange, Patrons of Husbandry, have spoken against this proposition.

If you are so truly anxious to put the flag on American ships, why don't you permit the shipping owned by American capital to come under our registry? The freight that these ships now under foreign registry earn comes into our pockets anyhow, and to a certain extent this disposes of the artificial horror and counterfeited frenzy which every well-educated advocate of shipping bounties utters when on the subject of our paying millions a year to foreigners for carrying our freight. The answer to this argument is terse, and, if unparliamentary, must be pardoned because of its point, "The boy lied."

Quoting again from Doctor Meeker, who says:

Why should we remove capital and labor from other pursuits and take over the carrying trade? In order to keep this alleged one hundred and ten or three hundred million dollars at home? But why should we work to keep this particular sum at home rather than the amount we pay for English worsteds or French laces? To name the enormous amounts we might save by doing our own transportation does not prove our economic degradation. It must be shown how many millions we must pay out in order to save these \$300,000,000 per annum before we can estimate the wisdom of engaging in the international freighting business.

Let us suppose that we pay foreign shipowners \$150,000,000 per annum for carrying our freights. If we decide to dispense with the services of foreign ships and do our own freighting with American-built ships, owned by American capital and manned by American citizens as it is proposed, it means that we must divert capital from other lines of industry to the amount of at least a billion and a half of dollars and invest it in shipping. If this capital invested in other enterprises would earn \$180,000,000 per annum, plainly the change to the shipping industry would result in a direct and immediate annual loss of \$30,000,000 in the total social product, owing to the decreased productivity of capital and labor. This direct loss does not by any means measure the whole economic loss of such a change in industry. Capital and labor will not engage in the carrying trade unless they receive remuneration equal to what they receive in other industries in our country. They must offer services at least as cheaply as foreign rivals. Under the assumed conditions, the only possible way to save the amount paid to foreigners in freights is by means of a bounty of \$30,000,000 per annum. The loss would be augmented by the cost of collecting the tax and administering the bounty, besides the losses due to the disturbance of other industries by the tax and the rapid and wasteful change to another industry. Of course the change could not take place immediately; but if the relative productivity of capital and labor in the United States and in foreign countries remained unchanged during the transition the reasoning would still hold good.

It may be objected that the conditions imposed are contrary to fact. It is true that the figures are not "statistical," but I have rather underrated than overrated the difference in productivity of capital and labor engaged in international shipping compared with their productivity in American industries, up to very recent times at least.

In any case there is no sense whatever in the hysterical demand that we must own the ships that carry our commerce in order to keep the amount we pay in freights within our own national boundaries. The mystery and romance of the sea seem to have a most confusing effect upon the rational faculties of some statesmen. They associate the money earned by a steamship with the fabulous wealth of the Spanish Main. There is nothing extraordinarily attractive or remunerative about the sea freighting business. It would be very uneconomical to lure or drive capital and labor into this business if they are earning as much or more in other lines. If Mr. Blaine had been advised to cut down his household expenses by discharging his janitor and employing his own energies in the lucrative industries of carrying coal, cleaning the furnace, sweeping the cellar, etc., thus saving the relatively large sum of \$400 in gold every year, and at the same time building up a flourishing home industry, he would have been amazed—perhaps displeased. Yet such a suggestion is scarcely more ridiculous

than the eloquent appeal for a merchant marine made by Mr. Blaine in 1881.

It has been stated above that the extension of our commerce by means of a bounty is possible only in case the bounty acts so as to reduce freight rates. The advocates of ship subsidies do not usually mention the possibility of a diminution of freight rates. They rely upon the flag to extend commerce. "Trade follows the flag" is at once watchword and argument with them. Statistical support for this assertion is furnished in copious abundance, but, like all the statistics thus far examined, the figures are meaningless. It is shown, for instance, that the commerce of Germany with the Far East has increased since the North German Lloyd contract with the Government was made. It is complacently assumed that the increase is due to the subvention and that the proposed subsidies will act in the same way. The fact that German commerce increased just as rapidly before as after the granting of the subvention is not mentioned.

The subsidy agitators see in every foreign shipowner or master a deadly enemy, who is seeking to promote the commerce of his own native land at the expense of every other land. Now, it is a fact of no small economic importance that a foreign shipowner is always willing to carry American goods for a consideration, no matter how heartily he may hate Americans. Sea transportation is a business and not a religious or sentimental activity. Obviously this whole argument for national ships becomes a *reductio ad absurdum*; for how shall maritime nations promote their commerce without at the same time promoting the commerce of those countries with which they trade? It may be asserted that the nation without a merchant marine is excluded from intercourse with undeveloped and colonial countries.

But the undertakers of all nations are watching keenly for every opportunity to do profitable business. Our commerce with the Levant has increased so greatly in recent years that the Hamburg-American Line has found it advantageous to found a regular freight line between New York City and the ports of the eastern Mediterranean. Our commerce with the English colonies in South Africa has increased more rapidly than that of either England or Germany, though the two latter countries have their regular postal lines to South African ports. American agricultural implements have practically displaced German farm machinery in the Transvaal, because they are better, lighter, and cheaper. No case has yet come on record of a German shipmaster refusing to carry American goods on the grounds that it might injure German trade.

The complaints that American shippers can not find transportation for their goods are heard in the halls of Congress, but not in the boards of trade. Our commerce with China is carried on mostly by American ships, but Japanese, English, and German ships compete with our own for a share in this carrying trade, as also in the trade with Australia, India, and other parts of the world. On the margin of indifference it is probable that patriotism would decide the direction of commerce. For example, if a German sailing master had collected cargo in Chinese waters which he could take to Hamburg or New York with equal chances of making profits, he would probably go to Hamburg. But such cases are not numerous enough to make it worth while to pay nine or ten million dollars yearly in bounties to regular American postal lines on the chance of catching this trade.

It may be said that the captain of a regular liner has no choice but to take his cargo home, so that national trade is bound to be increased. It must be remembered, however, that subventioned steamers carry an insignificant part of the world's commerce. About 2 per cent of the British merchant marine receives subvention from the Government and are bound by contract to sail over prescribed routes within certain time limits. A somewhat larger portion of the German marine is so situated—6 per cent would be a most liberal estimate. French sailors and steamers receiving the general subsidy are under no compulsion to increase French trade, and, as a matter of fact, choose the longest routes between foreign countries for their activities, so as to earn the largest possible bounties. National commerce is a very secondary matter with them. In fact, the disadvantage of being compelled to sail regularly over the same definite course is urged as one of the chief reasons for the payment of subsidy to the postal lines. At the same time it is urged that regular communications are very much superior to an arrangement of voyages according to the needs of commerce. France has taken infinite pains to establish regular mail lines and to encourage French shipping so as to promote her commerce, but her exports and imports have remained practically stationary. The United States has done almost nothing in these directions, and her commerce has increased enormously. The history of the world's commerce seems to show conclusively that the nationality of shipowners is quite a secondary matter in the development of trade.

But a long course of wasting public moneys on private enterprises has hardened us. To take the money paid by all the people for the benefit of a favored few is unfortunately no longer astounding, but none the less unrighteous. In consequence of this we ship steel plates to Antwerp and thence to Belfast, and help the Irish compete with the English shipbuilders. Instead of cutting down the steel schedule and trying the experiment whether American labor, in a free market, can not by reason of its great efficiency defeat the poorly paid mechanic of Belfast and Birkenhead, we cap the absurdity by taxing the American laborer, in all fields of endeavor, to permit his master to build ships here, while steel plates are being dumped at the doors of the Belfast plants by the steel trust as low or lower than in our own shipyards.

So much for the shipbuilding argument. If we are to build ships, paradoxical as it may seem, we can not have ships, and if it is not to help the American shipyards, why not let American capital bring what it has purchased, wherever they can be bought cheapest, and register them under our flag? The two greatest maritime nations, England and Germany, practice this policy successfully.

WHY OUR MERCHANT MARINE HAS DECLINED.

The statement has been made that it costs from 20 to 40 per cent more to build an American ship than a foreign ship of that

class and it costs from 20 to 40 per cent more to operate an American ship than a foreign ship.

This seems to me about as good a reason as could be advanced why the Government should not allure capitalists to invest in an industry that it seems can not be made to pay. These are not temporary disadvantages we are now suffering from, but are bound to increase year by year as the standard of living and the high wages obtained in the paying extractive industries affect the wages of mechanics and gradually raise the standard of living of the workmen in the protected industries. The entering wedge of this bounty system will soon make of this entrenched wrong a vested right, which will claim with some degree of plausibility a right to continuance at your hands after having been called into being by you. It can not be limited as to time. Like the infant industries of forty years ago, they have become our masters.

Doctor Meeker, on this subject, says:

We have had at least one notorious instance in our history of actual bribery by a steamship company to secure a larger bonus from the Government. Our experience with subsidized railroads and industries protected by the tariffs should have taught us to distrust the whole principle of protection. Every aid given to private enterprises makes them the greater beggars, while it increases their ability first to ask, then to bribe, and finally to demand aims from the people.

If a subsidy policy is once begun, it may not be so easy to stop. Even though it could be shown that a proper subsidy, judiciously administered, would be economically beneficial, the impossibility of freeing the legislature from the corrupting influence of interested lobbyists would condemn the theory in practice.

I have endeavored to show that without the handicap of a trust-breeding tariff we could build ships as cheaply as foreigners, but our seamen are right in demanding legislation against the extortionate rapacity of the owners, and therefore demand a higher standard of life and of good wages. Not only do I not blame them for this demand, but I am proud of it. The effect of universal and unrestricted free trade among 88,000,000 people have made that demand not only possible, but effective. And, consequently, you can not sail these ships in competition with the crews living under a lower standard than that demanded by Americans.

Think of it! Here you have daily before your eyes and peculiarly within your own knowledge the results of what absolute and unrestricted domestic free trade has done for 80,000,000 people—all alike patriotic and all alike desirous of making the most of life—and you have the effrontery to claim that the tariff and its abomination of protected parasites brought this about, and that the wages and standards of living of the wage-earners of this country are determined by such industries, which, according to your own showing, could not exist except through diversion of public revenues.

That is assuming the sincerity in your protestation on behalf of the wage-earner. As a matter of fact, you are not sincere in this. And seamen on bounty-fed ships, which could not exist but for the bounty, would soon be in the same position, as regards wages and conditions of life, as existed in the anthracite coal fields. United action on the part of laboring men in this country alone keeps up wages. Although we have by the bounty of the Almighty an unlimited supply of perfect coal, the conditions revealed by the Commission after the great strike showed that behind your tariff barrier, administered by men who blasphemously claimed the exercise of a God-given attribute, in an industry where, if ever, your claims of raising the standards of life should have shown itself in a living wage for the miners, your beneficiaries ground the faces of the poor and mocked the sufferings of the women and children. The protective tariff, where it does exclude foreign products in quantities, does not raise the wages—nay, it depresses them below those obtainable in open industries, which, after all, set the standard of wages. Iowa, Kansas, and California set this pace, and not Pennsylvania and Massachusetts. And so it is that I dread the artificial stimulation of this proposed new infant industry. [Applause.]

Quite recently we heard extracts from the writings of Henry Clay and Jackson as to their expectations of the tariff. Sixty years and more have passed, and, like Tories and Bourbons, you cling to the antiquated forms of exploiting the people. That you do not have a corn tax to supplement your other iniquitous extortions is due to the fact that the extractive industries, like corn, wheat, and cotton raising and lumber, set the standard of wages. Instead of addressing yourselves to stopping this waste you want to increase it by adding another protected hobo to the list of those who are to be fed and supported by the public; because, if an industry does not pay and can exist only by reason of public contributions, it is like any other eleemosynary system—of an educative value, but of no more economic use than an almshouse.

What sensible arguments have you brought forth that can seriously hold water? The statistics of the decline of our

wooden tonnage is coincident with the increase of our greatest material growth, and it is just as fair to argue that the protective tariff caused a decline of shipping as that it built up our country. Americans earn more on shore than they could on the freighter on the ocean, and American capital is invested in foreign shipping because no false pretense was required to permit the owner to exploit the ships, the officers, the men, and their stokers. You first prevent the registry or purchase of foreign ships, and then complain that our flag is not shown in every port, while you force American capital to embark in foreign ships, because you are justly afraid of the labor vote, which would object to your practices differing so widely from your preachings. And this brings me to the next pet argument of the bounty grabbers—

THAT THE FOREIGNERS CONTROL OUR COMMERCE.

The great laws of demand and supply govern the price of staples, whether at New York, Liverpool, Chicago, or Antwerp, Detroit, or Alexandria, and the seaway being open to all in the long run, this ocean carrying trade regulates itself to meet increased demand. Why, then, when foreign ships do our carrying for us, should we care who does the work so long as it is done cheaply and well? To hear those in the interests of the ship-bounty lobby one would think that the ocean trade was something supremely beautiful and romantic, and that ocean freighting had a peculiar glamour derived from the buccaneer days. You may not remember that Kidd was one of the first products of a bounty-fed shipping. England and the colony of New York both share in the responsibility of equipping and starting his bounty-fed commerce, and when it failed to pay (the laws of demand and supply being the same as it is now) Kidd ran amuck. That was because he could not join, consolidate, and organize, if you will permit me, the carrying trade and prey on it within the statute law.

Far be it from me to resort to the argument *ad hominem* or *ad naum*. My case does not require any such aid.

The trust or combination of all shipowners against American trade is a pet scare to lure other people's money into the maw of the shipping trust, and yet the shipping trust would undoubtedly be the chief beneficiary of any such diversion of public money as this bill contemplates. Do we really believe that ships are changed in their character as traders because one flag or another flies at the main truck? Don't you know that ships, whether they are Norwegian, Japanese, English, or German, must get a return cargo or go out of business? How, then, is it possible to expect grown men to believe that a combination of shipowners can monopolize the ocean carrying trade? Does not the mere statement carry its own refutation?

If such a combination were possible among the carriers on the North Atlantic, don't you know that the grain and the cotton would flow to Galveston, New Orleans, and Savannah, and that every ocean tramp would flock to these ports? If you really fear the combination of ocean carriers, why not try to regulate them by subjecting their freights to the rate-making power of the Government and give the Interstate Commerce Commission control over the ocean rates as well as over the land-borne commerce of the country? That ocean rates can be regulated by a Federal commission or by any agency you choose to create is not a question of power, but of expediency. I am greatly in favor of trying some plan of this character before we embark in expensive bounties wrung from the common people through the United States Treasury. We have to-day the greatest merchant marine in the world in our coastwise, lake, and river carrying trade. All of this great fleet must be built and repaired in American shipyards.

We are told, however, that a war between great European nations might cause our products to rot in our fields, and this in the same breath with the statement that every other nation is turning out bounty-fed ships.

Yet is it conceivable for us, who have lived forty or fifty years, to believe that a case can arise in which all maritime nations are engaged at once, in which no ships are available as carriers? Is it not a fact that the great waste entailed by modern war must ultimately be borne by all commercial nations? Our staples will be carried, war or no war. People must be fed and clothed, and that carrying trade will go on. The falling off of dispensable commodities would not affect the value of our staples. If we had a bounty-fed shipping depending on a bounty for an existence the inevitable falling off of high-class freight would at once furnish an additional reason for a clamorous appeal and recourse to public funds.

It is eminently characteristic of the advocate of subsidies to state, in the same breath, that the free purchase of foreign-built ships would not solve the problem and then to state that millions of American money is invested in foreign ships. Plausible as their argument may be, in its last analysis it is

simply an attempt to get a sum sufficient to perform double work to guarantee the shipbuilder and then the shipowner. I have shown above how irreconcilable this conflict of interests is bound to be. It has been claimed by trained observers that we are a nation of boys, whose general characteristic is a dislike of expert opinion. A nation that will not learn from the experience of others, that must burn its fingers in each generation, must inevitably fall into every financial, economic, and industrial quagmire in order to learn its lesson. Not so many years ago a Member of Congress exclaimed, "What can Europe teach us?" Our position as a world power should have taught us that efficiency by a legislature can only be done when we husband our energies to accomplish feasible things. What is feasible may be learned by the hard-bought experience of foreigners much more easily than by again and again trying the feat of raising ourselves by our boot straps.

What has been Europe's experience with ship subsidies? A candid answer would compel every student of the subject to admit that subsidies have been a great failure, a vast and wanton waste of public funds. [Applause.]

France and Austria by bounties may have built up shipping, but that was accomplished by sapping the vitality and soul of domestic industries and leaving a giant infant industry whose weakness increases with its growth and age. Furthermore, the amount of governmental supervision and paternal coddling, the huge army of officials, fattening on this as on every enterprise in Austria and France which have the faintest connection with the Government, should certainly deter us from following their footsteps.

The history of German ship subsidies is well stated by Doctor Meeker, but I can insert only his conclusion:

A certain class of people in England, and especially in the United States, read the evidences of Germany's progress in shipping, and, by means of a process which it would be flattery to call reasoning, they conclude that this progress is due to enormous subsidies paid by Germany. There is only one sufficient answer to this assertion. It is absolutely false. First, as we have seen, Germany does not pay large subsidies. Though the contracts are not let at public auction, the Government takes good care of its end of the bargain, and requires good service for moderate pay. In relation to miles traveled the German service is cheaper than the English, though in relation to the quantity of mails it is considerably dearer. Secondly, no possible connection between the postal subventions and the growth of the marine can be established. The North German Lloyd and the Hamburg-America Line owe their great success to the emigrant movement to the United States. It is scarcely necessary to mention the great industrial revolution in Germany since 1880 to prove that the growth of German shipping is entirely independent of official tinkering. As to the indirect bounties, their influence can hardly account for any considerable part of the rapid development of German shipping and commerce. As was shown above, the intent of the Government was undoubtedly to aid shipping and encourage trade. If this motherly hovering has produced good results, it has been because of its inadequacy.

Doctor Meeker shows that Great Britain has never granted general navigation bounties, and, with the exception of the bounty of 5 shillings per ton for vessels above a certain tonnage, granted in the reign of Elizabeth, no general construction bounties have ever been granted by the British Government. When mention is made of British shipping subsidies, the postal subventions are invariably meant. And from Great Britain let us shift our view to Japan. Here is what happened, as described by the same writer:

Shipping grew as rapidly before the law of 1896 as after, in spite of the monopolistic power of the Nippon Yusen Kaisha. Since 1868 Japan has experienced an economic revolution even more astounding than its political revolution. The methods and machinery of production were changed with incredible rapidity. In a few years the nation rushed from barbarism into civilization through the power of its imitative genius. But the progress was not swift enough to satisfy the leaders and they imitated the protective methods used in western lands to stimulate progress. The first experiment with state-aided steamship navigation created a monopoly that exploited both Government and people. The attempt to fight the devil with fire by creating another state-supported steamship company to compete with the first led to a "community of interests" arrangement that must excite the admiration of the king of Wall street promoters. But the ambitious Japanese leaders were determined to have immediately all the institutions possessed by European nations, and accordingly long-distance postal lines were established by the law of 1896. There is no doubt that the lines established by this law are now running profitably. It is equally certain that the law was in part responsible for the subsequent stagnation in trade and industry which led the Government to modify this extravagant measure. The laws of 1899 and 1900 provide for very large expenditures in proportion to the resources of the country and the value of money in relation to commodities and services, but the expenditures are held within limits so there can not be a repetition of the too rapid multiplication of ships. Whether these payments are purely subventions for postal service or partly subsidies, they have attracted capital into shipping, and the economic development of Japan, her geographical situation, resources, and the character of her population made the development permanent. Shipping would have developed anyhow—in fact, was developing with great rapidity. The Government merely gave form to the maritime undertakings of the capitalists. It will always be a question if the Government gave the best direction, whether the development would not have been sounder, though less rapid, had the capitalists been left to decide for themselves what lines to establish.

The German steamship companies have made a profitable business of the emigrant trade, and the Government never

diverted capital into new channels; the traders preceded the shipping. When we have a sufficiently large export trade, Americans will build ships, bounty or no bounty; but let us not forget that the Germans wanted ships, not bounties, for work done, and that shipbuilding material was imported free of duty. The testimony of the general manager of the American-Hawaiian Steamship Company, the first week in April, before the Committee on Merchant Marine, was that his company were building six new steamers for the Pacific Ocean and the Caribbean Sea trade. The customs tariff of Germany exempted from duty all materials of construction and equipment of seagoing vessels, and after the Government controlled the railways they granted to the German industries exceptionally low rates on shipbuilding material and on coal and on steel. They admitted the unfairness of the protective-tariff principle by virtually making all the interests affected sharers in this diversion of public funds. The rates granted by the state railways and by the bounty-fed shipping help exports and are not fettered by illogical and self-contradictory systems of railroad rates violating the principle of protection to domestic industries. The Germans know full well that you can not export unless you import, and in spite of the illogical conditions have made a partial success of bounty-fed shipping under strict state control. But we should not forget that the Germans have a tiny ocean front and an immense surplus population, and that their neighbors have all tried in vain to increase the national well-being by mutual taxation.

In order to make the German example a valid application here similar conditions must prevail, and until then Germany's example is misleading.

The example of England shows that ship subsidies are of no earthly use to progressive and paying concerns, that they only insure dividends and retard development, and that the free ships force the pace of the subsidy beggars. Examples of this are not wanting. Listen to the following from Doctor Meeker's work:

The statistics of the commerce and shipping of France, Italy, and Austria, quoted by the opposition to show the harmfulness of bounties, are by no means so worthless, for they show that, at least in some cases, bounties do not lead to an expansion in commerce and shipping. But to conclude that a bounty to shipping in the United States would act like a bounty to shipping in France is the reverse of reasonable. It is quite probable that this country would increase its shipping by means of bounties; but, as has been repeatedly pointed out, the enlarging of an industry by government aid does not mean an economic gain, much less an ethical gain.

Although the popular arguments for bounties are based on meaningless statistics, and are rather oratorical than logical, it seems necessary to consider some of the assertions most frequently made and most likely to mislead.

Saving of freight charges.—The subsidy advocates assert that the vast sums paid to foreign shipowners as freight charges will be saved to the country as a result of the bounties. This they regard as their most telling "economic" argument for the subsidies. Mr. Charles H. Cramp, of the Cramp shipbuilding firm, has used this argument with peculiar enthusiasm and energy. He informs us that we must pay the freights both ways, if we employ foreign shipowners to carry our exports and imports. Continuing, he says: "No fine-spun theory of cloistered or collegiate doctrine can wipe out these facts." We can not but feel a passing qualm of pity for the miserable doctrine, culpable though he may be. It seems needlessly harsh to crush him so remorselessly with such very wonderful facts. The only possible criticism of these facts is that they are not true.

What are the grounds for asserting that we must pay the freights both ways as a penalty for our inability to run ships under the American flag? The comprehension of this subtle theory is strictly limited to those men in the shipping industry and some few "practical statesmen." There is not even the most superficial excuse for such a statement. If our merchants were the only merchants in the world, then it might be said that they must, in the first instance, pay all freights. The absurdity of assuming that we must deduct freights from the value of our exports and add freights to the cost of our imports is too evident to need discussion. Professor Cairnes shows that of two countries, carrying on exchanges, the one that has the greater natural resources exchanges at an advantage because of the greater productivity of its labor and capital. The cost (meaning the subjective cost) of 1,000 units of value is less in the United States than the cost of a like number of units of value in England.

He argues, therefore, that the United States derives the greater benefit from exchanging. Taking this view, we may reasonably say that England in reality pays the freights both ways, or at least the greater part of them. Whoever pays the freights, the mere fact that commerce between the United States and Great Britain is carried on and is steadily increasing shows, beyond the possibility of contradiction, that the commerce is profitable to both countries. If the statements of Mr. Cramp and Mr. Blaine really required refutation the statistics of commerce would furnish a sufficient rejoinder.

It must be evident to anyone who understands the first elementary principles of international trade that we pay no more than our proper share of freight charges. But Mr. Blaine and his followers tell us the amount we do pay goes into the hands of foreigners and is "diverted from our commerce." It is forever lost to us unless we borrow it back on bonds.

Here, again, the vacuity of the argument baffles the economist. Furthermore, it is not and never has been true that the entire amount paid to foreign steamship lines in freights goes out of the country. A large percentage of the tonnage carrying our foreign commerce is owned by American capital, though sailing under foreign flags. The profits and dividends on capital remain in this country, which fact should soothe the sorrow of those who mourn for the gold that flows out of our coffers.

The argument of the ship-subsidy people that by spending public money on ships we will keep at home the freight now

paid to the ocean carriers has been refuted, first, by their own showing that American capital is invested in foreign ships because it pays better, and, second, because it is based on the fallacy that a ship need not earn return freight.

In the course of my speech I have referred to the attitude of the American Federation of Labor, a splendid organization with a membership of nearly 2,000,000 workmen of America. The following from its president, Mr. Samuel Gompers, explains the position of that body:

OFFICE OF THE AMERICAN FEDERATION OF LABOR,
423 G Street, Washington, D. C., February 13, 1906.

HON. WILLIAM B. ALLISON,
United States Senate.

DEAR SIR: The Senate of the United States has before it and under consideration S. 529, commonly known as the "subsidy bill." Bills of a similar character before previous Congresses have been given considerable attention by the working people of our country, and their views expressed thereon, and particularly is this so in reference to the principle involved as well as certain features of the bill in the third session of the last Congress, being H. R. 17098. Comparison and perusal of this bill with S. 529 shows a marked similarity in purpose, method, and principle, and it is both the presentation to you and through you to the Senate of the United States that I am compelled to address this letter to you.

October, 1905, Mr. Daniel J. Keefe, president of the International Longshoremen's Association and vice-president of the American Federation of Labor, requested an opinion from me upon the subsidy bill H. R. 17098, and because a perusal of my reply to him and because I am convinced that in effect the reply applies equally to the present subsidy bill, S. 529, I quote that letter herein. It is as follows:

WASHINGTON, D. C., October 17, 1905.

MR. DANIEL J. KEEFE,
President International Longshoremen's Association,
Elks' Temple Building, Detroit, Mich.

DEAR SIR AND BROTHER: Thus far I have been unable to write one word of my reports, the other work requiring so much of my attention. In spite of being overwhelmingly busy I have tried to comply with the request contained in your favor of October 12 in regard to the Grosvenor bill—H. R. 17098, of the Fifty-eighth Congress, third session—being a bill on the merchant marine and fisheries, commonly known as the "subsidy bill."

I have also read the report of the committee—Report No. 4136, Fifty-eighth Congress, third session, House of Representatives, and which accompanied H. R. 17098. Of course, I do not pretend to say that I have thoroughly digested the provisions of the bill and report. To make any such claim would be futile, because it would require thorough study to entitle one to reach conclusions upon which one can so definitely assert.

However, from a casual reading and a fair conception of their purpose, as well as some experience with measures of this character, I submit to you the following tentative conclusions which were forced upon my mind; or, rather, I submit the following for your consideration in connection with this subject:

In connection therewith I need not, however, mention the fact that the American Federation of Labor has repeatedly and almost unanimously declared against the ship subsidy bills that have been introduced in the various Federal Congresses. I only need briefly call your attention to the few points to which I shall refer.

You will observe on page 5 of the bill, from line 13 to 16, inclusive, there is a provision that if one-sixth of the crew are American citizens of the United States, or men who have declared their intention to become citizens, that the vessel shall be entitled to subvention. In other words, five-sixths of the crew may not only be aliens, but could be Asiatics, and in view of the fact that the tendency of the ship companies, like other employers, is toward a desire to get the cheapest possible labor, it is not difficult to understand that the shipping companies receiving this subsidy would hire as many of the aliens as possible—that is, five-sixths of the crew—at a low wage, and through this means endeavor to force down the wages of the one-sixth of the crew necessary to be employed to entitle it to the subsidy.

On page 6 of the bill you will find a provision that a vessel shall not be entitled to the subsidy, unless the members of the crew shall be enrolled as naval volunteers, and on page 2 of the bill it provides that they shall be "enrolled for a period of three years, during which they shall be subject to render service on call of the President in time of war."

One can readily see that the shipping masters will make the enrollment into the naval volunteer service a condition precedent to employment, and that the failure or refusal of a seaman to enroll as a volunteer in the Navy, and subject to a call in time of war, will be sufficient cause for shipping masters to refuse to give these men employment at all.

Of course every American must feel and should feel that in time of need Americans should readily respond to the call for troops on land or sea, to defend the interests and honor of our country, but I believe you will agree with me that when a man's employment in times of peace depends upon his enlistment in either the Army or the Navy, that such a provision is tantamount to compulsory enlistment, and practically constitutes conscription.

Then, again, on pages 11 and 12 you will find that a tax or duty is imposed upon foreign vessels carrying products to the United States, or from 8 to 16 cents tonnage per year. It is not difficult to discern that every cent of such taxation will be placed upon the products which the people of the United States will have to pay on every article they consume, at any rate during the period from the enactment of the bill until every article brought from a foreign country is brought in ships flying our flag. And surely between such period and the entire carrying of foreign trade by American vessels a considerable time will elapse.

In the entire bill there is not one provision that makes one solitary gain for the men who make their living by going down to the sea in ships.

In the report of the committee a pious wish is expressed that other committees of Congress should take this matter into consideration, but these perfunctory declarations mean little or nothing. If the committee had any idea for the improvement of the condition of the seamen, they certainly could have drafted it in the bill they had under consideration.

I regret that I have not any more time to devote to the consideration

of this matter, but the above is submitted to your careful consideration as the conclusions reached at the first flush after reading and noting the contents of the bill and the report of the committee. You will, of course, understand that I am not an expert in maritime affairs. I speak from the standpoint of the layman who has had some little experience in dealing with matters of this character, and in that spirit and understanding I ask you to accept it for what it is worth.

Omit from this quoted letter the word "Volunteer" and substitute the words of the present bill, "Naval Reserve," and the applicability will thus be obvious.

It may not be amiss to call attention to the fact that on page 4, lines 6 to 9, in accordance with the provisions therein stated, the seamen coming under the operation of the bill, if it were enacted into law, would, while employed by private concerns, still be subject to such orders and regulations as the Government, through its Secretary of the Navy, may prescribe. Again, making conscription practically absolute as a condition for the employment of a seaman on a private vessel.

On page 5, lines 3 to 11, the following language occurs:

"Such retainer shall be paid at the end of each year of service on certificate, by an officer to be designated by the Secretary of the Navy, that the member of the naval reserve has satisfactorily complied with the regulations, and on certificates by the Commissioner of Navigation that such member has served satisfactorily for at least six months of the preceding twelve months on vessels of the United States in the merchant marine or in the deep-sea fisheries."

In other words, this provision of the bill makes the seaman who has entered in the naval reserve dependent upon the whim and fancy, favoritism and displeasure of his private employer before even the seaman may receive the Government's largess.

Without discussing further the general principles of the bill, it appeals to me with irresistible force that the particular features of the bill, to which I have addressed myself, should commend themselves sufficiently strong to you so that they may act as a protest against their enactment into law.

The workmen of America love our country, and there are no more loyal in all the masses of the people than are those who are enrolled in the membership of the trade unions of our country. It is in their name that I address you, and suggest further that wisdom and foresight and patriotism, as well as economy, should suggest a definite method by which men, American by birth, citizenship, or sympathy, may be recruited from the merchant marine of America for the naval strength of our country in times of stress and war as well as in peace.

Very respectfully, yours,

SAM'L GOMPERS,
President American Federation of Labor.

The Patrons of Husbandry, an organization of American farmers, 1,000,000 strong, speak in no uncertain language on the subject in the following letter:

NATIONAL GRANGE, PATRONS OF HUSBANDRY,
OFFICE OF LEGISLATIVE COMMITTEE,
April 6, 1906.

To the Committee on Merchant Marine and Fisheries of the House of Representatives, Fifty-ninth Congress:

In behalf of the National Grange we desire to submit our objection to Senate bill 529, known as the "ship subsidy bill."

We understand the present bill differs from its predecessors in that its authors have tried to cover up the ugly word "subsidy" and "bounty" by the use of the term "subvention." Instead of providing for the payment of bounties to shipbuilders or owners of steam or sailing vessels the bill provides for the payment of "subventions" in amounts proportionate to the size of the vessels, the nature of the trade in which they are engaged, etc. A subsidy by any other name smells as rank, and the National Grange protests as earnestly against the use of public revenues for subvention to a few persons as against bounties or subsidies to the same class of citizens.

The language of the bill is obscure, perhaps intentionally so, but it is clear that under it there would be taken during the next ten years from the money raised by taxing the people of the whole country about \$50,000,000, which would be given to a small number of persons building or owning steam or sailing vessels. In return for this immense amount of money what are the taxpayers of the country, and especially the farmers, to receive?

It is claimed that as the result of this system of bounties the number of vessels built or owned by our citizens engaged in the foreign trade will be largely increased; that this will cause a reduction in freight rates, and that this saving in freight, in so far as it affects the exportation of farm products, would go largely to the American farmer. There is absolutely no proof of this contention, but on the contrary all past experience has shown that it is the foreign purchaser who gets the benefit of lower freight rates. Lower ocean rates mean lower rates from Canada, the Argentine Republic, Russia, India, Australia, and other competing countries, and as it is the competition of the products of those countries that fixes prices in the foreign market a reduction in freight charges would simply mean lower prices to the foreign consumer.

In fact, it can be shown that the result of the subsidy policy would be to encourage foreign competition with our farm products in neutral markets. If the effect of this legislation would be, as its advocates claim, to increase the number of vessels owned by citizens of the United States engaged in the foreign trade, it is evident that such vessels would displace a certain number of foreign vessels which are now carrying our farm products to foreign ports. These displaced freight vessels would have to seek freight elsewhere, and their owners would naturally try to increase the export trade in farm products of competing nations by carrying such products as cheaply as possible. The result would be to stimulate competition with our surplus farm products in the neutral markets in which they are now sold. It would seem that there is no good reason why the American farmer should tax himself in order that foreigners can buy our farm products at a lower price.

When challenged to show how the "subvention" scheme will benefit the farmers, its advocates fall back on vague generalities as to trade following the flag and the increase in exports which they claim would result from having our goods shipped in vessels owned by our own citizens; but they have never been able to show that foreigners would buy more of our goods merely because they were shipped on American vessels instead of foreign vessels. Foreigners are very much like Americans in one respect—they want to buy things as cheaply as possible, and they will buy American goods when they are as good and as cheap as those of other countries. If our goods can be sold cheap enough, the foreigner will buy them. If our products can not compete in price in neutral markets with those of other countries, we can not expect the

foreigner to be so foolish as to pay more for the goods he wants just because they may be sent to him on an American-owned vessel. The subsidy advocates complain that the foreign vessel carries freight so cheaply that American ships can not compete. This means that American producers get their goods carried to other countries on foreign vessels cheaper than they can be carried on American vessels, and there is no ground for believing that the foreign buyer will take any more of our goods shipped on an American vessel than on a foreign ship.

It is urged by the subsidy hunters that the cost of building vessels in this country is so much greater than in foreign countries that a Government bounty is necessary in order to equalize conditions. As a matter of fact, the chief item of additional cost of American vessels is the high price of the steel plates, frames, bolts, etc., that enter into the construction of a vessel. It is notorious that the United States Steel Company sells steel plates, etc., to foreign shipbuilders at prices far below those charged American shipbuilders, thus directly aiding to encourage foreign competition and discourage shipbuilding in this country. If the believers in bounties will aid in getting legislation under which the steel trust will have to sell its products in the United States as cheaply as it does to foreign countries, our shipbuilders will soon be able to compete successfully with their foreign rivals.

By the National Grange:

NAHUM J. BACHELDER, Concord, N. H.,
ELLIOTT B. NORRIS, Sodus, N. Y.,
AARON JONES, South Bend, Ind.,
Legislative Committee.

The first name to the foregoing letter is that of the national lecturer, ex-Governor Bachelder, of New Hampshire, well and favorably known throughout the country.

The Lake Seamen's Union, through Capt. Andrew Furuseth, of San Francisco, president of the Pacific Seamen's Union, presented the following resolution:

Lake Seamen's Union.

RESOLUTION.

Whereas the United States Senate is about to vote upon the subsidy bill: Therefore, be it

Resolved by the Lake Seamen's Union in meeting assembled, That we respectfully but earnestly protest against the bill in its present form and appeal to the Senate to strike out subsections 3 and 6 of section 3, for the following reasons:

First. Subsection 3 appears to give some advantage to the seaman, but in reality lowers the standard of efficiency by authorizing the vessel to go to sea with but half of the crew able seamen. They have done so in the past, but in violation of the spirit, if not the letter, of the law.

Second. Subsection 6 provides that the owner must have a certain number of naval reserves to get the subsidy. This means that the seamen must be in the reserves in order to get employment. This is conscription pure and simple, and we protest against being selected for this while other men may under ordinary conditions choose whether they will enlist or not until the nation needs all its men.

Third. It would compel us to be in the military service from 21 to 47 or quit the sea.

Fourth. Under such conditions we would rather quit the sea, since it would be a notice to us that we must, as seamen, give up any hope of improvement in our life. We have asked for laws in accord with American ideas, and we are getting more servitude and more discriminations against us.

Fifth. The discrimination is coupled with a bonus, which places us in the position of receiving, while in health, money which we have not earned and which is, therefore, in the eyes of honest men, dishonorable.

Sixth. The striking out of these two sections leaves it to each seaman to choose for himself whether he will accept the bonus or not, and this we respectfully suggest is a privilege granted to all other servants. As workmen we ask to be permitted to retain so much of the respect of our fellows and ourselves as our present status has made it possible for us to keep.

On behalf of the Lake Seamen's Union:

F. A. HANSON,
Chairman.
V. A. OLANDER,
Assistant Secretary.

CHICAGO, ILL., February 9, 1906.

Captain Furuseth, in his testimony before the committee last month, used the following language:

From my own practical experience, and from my knowledge, and from the investigations that I have been able to make, I propose to dispute those four fundamental facts, and to say that this bill, if enacted into law, will not increase the number of seamen under the American flag subject to draft into the Navy under certain conditions. It will, on the very contrary, cause a large number of men now under the American flag—and who, by the way, are citizens of the United States—to seek some other place to get a living except at sea. If they can not find it on shore in the United States, they will probably find it in some other part of the world, where the conscription runs from one to three years instead of here where, under this bill, it will run from the time a man is 18 until he is 45.

I shall add as a part of my speech an editorial from that sterling stand-pat Republican daily paper, the New York Press, of the date February 16, 1906, which speaks for itself:

THE SENATE SHIPPING PIRACY.

The ship-subsidy bill passed by the Senate ought not to receive even the courtesy of debate in the House. Divested of its sham virtues of naval reserves and fixed percentages of American seamen in the service, it is nothing but naked piracy against the United States Treasury to turn money into the hands of individuals already holding investments in shipping, but not satisfied with their financial returns.

The Senate piracy is not a bill to restore, enlarge, and maintain a flourishing shipping; it is a bill to fatten those already in the business without creating a new merchant marine.

The people of this country do want a merchant navy. They realize that it must be built. They would favor any plan which embraced the creation of more shipping. From the Senate they would get nothing of the sort. They would, for the most part, only pay money into the hands of those owning existing shipping. This Senate scheme is not one to restore the merchant marine; it is one to enrich a few individuals, with absolutely no benefits following to the nation.

There is one way to assure enormous merchant fleets plying across

the seas as successful and complete as the fleets on the lakes and in the coastwise trade. There is no coastwise shipping anywhere else in the world to compare with ours. No subsidies have been called for by it. There is no whine for subsidies; no lobbying for mail contracts. The powerful industry has grown and continues to grow because it exists under a policy which provides business for it.

If there were a policy that provided business for transoceanic ships, as for the coastwise vessels, capital would build and operate shipping for the oceans as for the lakes and the coastwise traffic, and it would never ask nor want for subsidies, and the fleets springing into being would make money—they would flourish and increase. The American bottoms would regain the supremacy which they held on the oceans for half a century, when the shipping policy of the nation provided business for American ships.

If the House is to make an effort to restore American shipping and to provide that it shall be maintained as a self-supporting institution, it will waste no time on the Senate measure. It will insist on something that will provide business for American bottoms. A tonnage tax discriminating against foreign vessels engaged in the traffic with this country will do this; a discriminating tariff duty in favor of the vessel which sails into our ports under the Stars and Stripes will do it. Subsidy without business never will.

The gentleman from Ohio [Mr. GROSVENOR], in concluding his remarks, suggests that a resolution be passed "saying in plain terms that the American Congress will subsidize everything else." It is this fact that we have gone too far with this matter of favoring the classes at the expense of the people that has caused a halt to be called.

The various subsidies, under the guise of a protective tariff, have at least this virtue, that they are necessary to enable the Government to pay the expenses of administration. They do not, as would be the case if this vicious legislation became law, dip their unhallowed hands into the Treasury of the United States to help support a special interest that is certainly old enough to stand alone.

If the shipbuilding lobby, a thoroughly organized body, that has for years laid siege to Congress for assistance, would turn its attention and energies in the right direction and go to work it would not be necessary to spend its money and time in trying to get something for nothing from the American people.

With the coastwise, river, and lake carrying trade belonging solely and exclusively to ships built (and repaired) in American shipyards, with a tonnage the largest in the world except Great Britain, there is no need of assistance to the shipbuilding industry.

Mr. Lewis Nixon, a famous naval architect and shipbuilder of New York, in his testimony before the Commission in May, 1904, on page 73, volume 1, said, among other things:

In regard to the first cost of ships, a comparison by a percentage statement as to the cost of ships here and in England is very liable to be misleading. To say that a ship costs 50 per cent more here than in England naturally must be misleading, from the fact that we are probably not taking into account any of the conditions at all in making that comparison. In England to-day, if we consider the cost of ships, you will find a very great distress in shipbuilding industry and ships are low.

The producer in this country—the farmer, the mechanic, and the laboring man—upon whom the burden of this proposed subsidy falls, is the one who opposes its enactment. These classes receive but little or no substantial benefit from the tariff, and are therefore opposed to its extension. The Republican party, while standing pat on the trust-building protection ideas, dare not further aggravate the masses. Hence the strong language of the gentleman from Ohio whose potent influence will not be felt in the next Congress.

An important Congressional election is approaching, and the astute leaders of that party see the handwriting on the wall. They see a vision of a Congress again controlled by the grand old Democratic party, the party that built up this great and prosperous nation in its most trying days. They see the people again in the full enjoyment of all the privileges inherent under our glorious free Government.

The order has gone forth—no extension of the system of bounties, the robbery of the many to enrich the few, and a promise to revise the iniquitous tariff schedules, if the people are good and continue to vote the Republican ticket.

The Democratic party, the party of the people, standing on that rock of equal rights for all, special privileges to none, look to the ides of next November for a glorious victory for the common people. [Loud applause.]

Mr. FLOOD. I yield to my colleague [Mr. MAYNARD].

Mr. MAYNARD. Mr. Chairman, I shall not attempt to deal with the historical and romantic settlement at Jamestown, the heroic struggle of that band of hardy souls who in their three little ships came to anchor in Powhatan's river May 13, 1607, or the pregnant influences that had their beginning three hundred years ago at that spot, and developed us into the world power of to-day and influenced the history of the world. There is a phase of the subject, however, that I desire to bring to the attention of the House.

On March 3, 1905, there was passed and approved an act which authorized the holding of a Naval, Marine, and Military

Exposition on and near the waters of Hampton Roads, in the State of Virginia, and directing the President to make proclamation of said celebration, and authorizing him to invite foreign nations to participate by sending naval vessels and representatives of their armies, and in furtherance of that object provided \$125,000 for their entertainment. And to further commemorate the settlement of Jamestown Island made an appropriation of \$50,000 for a monument to be erected on the site of the settlement; \$15,000 for permanent moorings for use of vessels participating in said celebration, and \$10,000 for exhibiting on the scene of the engagement between the *Monitor* and the *Merrimac* one or more of the old monitors of that period, in order to illustrate the progress of naval construction; \$50,000 to be spent by the Commission created by this act, not therein specifically provided for, in preparing for and conducting said celebration, including expenses of said Commission; \$250,000 to celebrate the birthday of the nation at the place of its birth.

The President in due time made proclamation to the world as follows:

Whereas the Congress of the United States has passed an act approved March 3, 1905, and entitled "An act to provide for celebrating the birth of the American nation, the first permanent settlement of English-speaking people on the Western Hemisphere, by the holding of an international naval, marine, and military celebration in the vicinity of Jamestown, on the waters of Hampton Roads, in the State of Virginia; to provide for a suitable and permanent commemoration of said event, and to authorize an appropriation in aid thereof, and for other purposes:"

And whereas section 3 of the said act reads as follows:

"SEC. 3. The President of the United States is hereby authorized to make proclamation of said celebration, setting forth the event to be commemorated, inviting foreign nations to participate by the sending of their naval vessels and such representation of their military organizations as may be practicable."

Now, therefore, I Theodore Roosevelt, President of the United States, by virtue of the authority vested in me by the said act, do hereby declare and proclaim that there shall be inaugurated, in the year 1907, on and near the waters of Hampton Roads, in the State of Virginia, an international naval, marine, and military celebration, beginning May 13, and ending not later than November 1, 1907, for the purpose of commemorating, in a fitting and appropriate manner, the birth of the American nation, the first permanent settlement of English-speaking people on the American Continent, made at Jamestown, Va., on the 13th day of May, 1607, and in order that the great events of American history which have resulted therefrom may be accentuated to the present and future generations of American citizens. And in the name of the Government and of the people of the United States, I do hereby invite all the nations of the earth to take part in the commemoration of an event which has had a far-reaching effect upon the course of human history, by sending their naval vessels to the said celebration and by making such representations of their military organizations as may be practicable.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 29th day of March, 1905, and of the Independence of the United States the one hundred and twenty-ninth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
ALVEY A. ADEE,
Acting Secretary of State.

And the Department of State forwarded to the foreign countries the invitation of the United States in the following language:

DEPARTMENT OF STATE,
Washington, November 7, 1905.

To the diplomatic officers of the United States.

GENTLEMEN: I transmit herewith copies of the proclamation issued by the President on the 29th of March last, inviting, in the name of the Government and people of the United States, the Government to which you are accredited to take part in an international naval, marine, and military celebration in 1907, at and near the waters of Hampton Roads, in the State of Virginia, in commemoration of the birth of the American nation, the first permanent settlement of English-speaking people on the American Continent, made at Jamestown, Va., on the 13th day of May, 1607.

I also inclose copies of the act of Congress in pursuance of which the proclamation was issued, by which you will see that the sum of \$125,000 is appropriated for the entertainment of foreign naval and military representatives.

While the event to be celebrated was one with which the people of England alone were connected, the President, the Congress, and the people of the United States are not unmindful of the recognition due to the courageous and hardy navigators and colonists of other nations who laid the foundations of permanent settlements in America; and it is most fitting that the act of Congress and the proclamation of the President should include all the nations of the earth who have yielded so many of their sons to make prosperity the destiny of the United States.

In communicating the invitation you will make known the great pleasure with which the President will learn of the intention of the Government to which you are accredited to participate in the celebration by the sending of its naval vessels and such representation of its military organizations as it may deem proper.

Cotemporaneously with this celebration authorized by the Government of the United States, there will be held an international exposition on the shores of the great harbor under the auspices of the Jamestown Exposition Company, the interests of which I shall be pleased to have you promote by lending your assistance in all proper ways to its duly accredited representatives who may present themselves to you.

I inclose some literature which the company has supplied for your information.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

The nations of the earth, recognizing the importance of the settlement at Jamestown and its influence on the destiny of the world, and wishing to show the development of their arms and commerce and to do honor to the invitation of this Government, have accepted beyond our expectations. The following governments have notified the State Department of their intention to participate: Great Britain, France, Russia, Mexico, Belgium, Cuba, Argentine Republic, Costa Rica, Dominican Republic, Guatemala, Haiti, and Chile. Others have signified that the invitation would be accepted later, when necessary forms had been complied with. In fact, only one country on the globe has declined the invitation—that of Siam, stating it was not in position to take part in the celebration.

The act that was passed March 3, 1905, was not what the friends of the bill thought was necessary, wise, or befitting the dignity of the occasion, the importance of the event, or creditable to the hospitality of the nation. This was an unwilling compromise forced on the exposition company by the powers that controlled recognition and permission to call up the bill. But, Mr. Chairman, the event once authorized, the ball once put in motion, the wide acceptance of our invitation by foreign nations, the necessity of meeting the question of the proper entertainment of our guests, the interest manifested by the people of the United States, the intention of so large a number of States to participate—their legislatures having made appropriations to that end, the States' appropriations being something like one million and a half, about the same amount we are asking the Government to appropriate—has brought the necessity for further legislation providing for Government participation in carrying out the law of March 3, 1905, and to that end I have introduced H. R. 12610, which was referred to the Committee on Industrial Arts and Expositions, which committee, after having numerous hearings and taking the testimony of the Secretary of the Treasury, of War, of the Navy, and other competent witnesses, reported it back with an amendment in the nature of a substitute, which substitute is now on the Calendar.

As the Secretary of State said in his invitation to foreign powers, contemporaneously with this celebration authorized by the Government of the United States, there will be held an international exposition on the shores of the great harbor under the auspices of the Jamestown Exposition Company, a company chartered by the State of Virginia for the purpose of holding an exposition for celebrating this greatest event in American history. Accident of location placed upon the people of Virginia the duty of inaugurating this celebration. They took up the burden of the responsibility as a sacred duty, not because it was alone their beginning; it was the beginning of the nation. From Jamestown grew Virginia, from Virginia grew the nation. Each State ought to feel the same sense of duty, each Representative the same feeling of responsibility as the Representatives from the Old Dominion. Virginia, with her share of the responsibility and because the place of celebration was within her borders, took up the work, and the old State, out of her limited means, has appropriated the sum of \$300,000, and her citizens, among whom there are few rich, subscribed one million and a quarter. Is it asking too much that this great nation, sprung from the small beginning at Jamestown, should in its turn pay a part of the expense of celebrating this event in a proper way?

The bill of last winter provided that the navies of the world should be invited to rendezvous in Hampton Roads during the time of this exposition. That foreign governments should be invited to send representatives of their armies, and to have such portions of our Army and Navy assembled there as was not incompatible with the public service. Mr. Chairman, the soldiers will be there; the ships, with their officers and sailors, will be there, and our invited guests will expect entertainment in its fullest sense—conveniences, amusement, and instruction. The people of the United States will insist that the celebration be held in such a manner as will reflect the greatest credit on the country, and that the entertainment should be such as to make American hospitality proverbial.

It is a condition that confronts us. We, as representatives of the nation, invited the world to be our guests to view and participate with us in this birthday party. We have made them the guests of the nation. It is too late to talk of economy. We must do one of two things: We must repeal the bill of last winter; we must withdraw our invitations, already accepted, and explain that we were too niggardly or too poor to take care of them. To let them come and not properly provide for them would be to prove unworthy of the patriotic people we represent; would be to be neglectful of the dignity and credit of the country. If we do not repeal the bill of last winter and cancel our invitations, then we must pass a bill to carry into effect the intent of the law of last winter, and in doing this

the committee have reported a bill which may be divided into two parts—Government participation and Government aid to the exposition. The Government has decided to participate; the only question then is, How far shall this participation go? There are some things in the line of participation that are absolutely necessary and authorized by existing law. First, the bill provides that to the end that communication between the ships and the shore may be free and ready and that there may be a safe landing place for the small craft used to convey the soldiers and exposition visitors from the grounds to the fleet and to convey the officers and men from the ships to the shore there shall be constructed two piers extending from the exposition grounds out into the waters of Hampton Roads, thus forming a basin or harbor which will accommodate boats drawing 10 feet of water. The Secretaries of War and the Navy both testified that this was a necessity; that without it there would be great danger and inconvenience in landing and embarking. These piers are to be surmounted by two towers and connected with an arch, the towers to be used, if practicable, for exhibiting the Light-House Service and wireless telegraphy, the piers and towers to be illumined by the exposition company. At Buffalo the electric tower, at St. Louis the water tower; so at Jamestown the piers and towers will be made things of special attractiveness and beauty. Out on Hampton Roads, in front of the exposition grounds, will ride the battle ships of all nations met in friendly rivalry. Could we afford to make these piers cheap and unsightly? The law of 1905, assembling the fleets and the people, is incomplete, ineffective, unless these piers are built and an appropriation for the purpose is authorized. The amount proposed is the estimate made by the Engineering Department of the Army, the Department of Yards and Docks of the Navy, and the engineer of the Jamestown Exposition Company.

The assembling of the soldiers and sailors of our own and foreign nations will bring together a great number of men of both services, and the appropriation provided in the bill of last winter is insufficient to properly entertain our guests. Entertainment does not mean alone dinners and receptions. We would deserve the criticism that would be ours if we stopped at that to truly carry out the signification of the term; there must be feasting and music; there must be social and fraternal communing and commingling; there must be comfort, convenience, amusement, and instruction; there must be a place for the meeting and commingling of the two branches of the services, for the soldiers and sailors of our Government to meet and fraternize with the men of the nations that have accepted our invitation. Further, the appropriation in the bill passed last session provides for the entertainment of the commissioned officers only. Did Congress intend that? What of the men behind the guns? Is not the man on the fore-castle, the warrant and petty officers a part of the naval representation of foreign governments? Was it not the intent of Congress in passing the bill of March 3 to offer entertainment to all our naval and military guests?

Therefore, to carry out the intent of the bill already passed, it is necessary, in the opinion of the committee, to provide further entertainment for our guests, and to that end they have provided that a clubhouse or rendezvous to cost \$75,000 be erected for the use of the enlisted men, and a similar building to cost \$50,000 be erected for the use of the officers.

The committee was of the further opinion that to properly carry out the existing law and offer instruction as a part of the entertainment, it should be provided that the Government shall, from its executive department, exhibit such articles and material as illustrate the functions and administrative faculty of the Government in time of peace, and its resources as a war power. Such Government exhibits shall include the Life-Saving Service, the Revenue-Cutter Service, the Army and Navy, the Light-House Service, the wireless-telegraph service, and the Bureau of Fisheries. The Tercentennial Commission, created by act of March 3, 1905, composed of the Secretaries of the Treasury, War, and Navy, shall have charge of the selection, purchase transportation, safe keeping and return of said Government exhibit, and for this purpose \$200,000 is provided. This was regarded so clearly as a part of the necessary entertainment of our guests at an exposition, and authorized by the existing law, that in addition to the exhibit, they made an appropriation of \$250,000 to erect the necessary buildings to house and display the said exhibit. These two items are clearly and properly connected with the entertainment of our guests, but even if this were not true, would it be just to deny to this celebration what you have heretofore extended to all the expositions held in this country?

The bill heretofore passed provided for the commemoration of this event by appropriating \$50,000 for the erection of a monument on the site of the settlement of Jamestown Island.

To provide a means of landing the workmen and material and that the public may have free and ready access to the island, \$15,000 was provided to build a wharf on land to be donated by the Society for the Preservation of Virginia Antiquities. To afford proper conveniences for the visitors to the island the sum of \$10,000 is appropriated for retiring rooms, drinking water, policing, benches, and other accommodations, to be expended under the direction of the Secretary of War. The act authorizing the assembling of such portions of our Army for participation in the celebration as was not incompatible with the public service failed to provide any fund for the transportation of the necessary arms and men, making it absolutely necessary to provide for it in this bill. The Secretary of War testified that \$200,000 was required for the purpose. The committee recommended that an appropriation of \$100,000 be made. A military exposition without the military would be an absurdity.

Mr. Chairman, this bill provides for a direct appropriation in aid of the Jamestown Exposition Company, as has been made by Congress for all of the international expositions. There seemed to the committee strong reasons why this aid should be extended. The naval and military features suggested by the Government and ratified by the Congress of the United States, while welcomed by the exposition company as one of the most attractive of its features, will entail upon it very large expenses. The foreign vessels and military contingent which come will be technically the guests of the nation, yet they will share equally with our people on the grounds of the exposition company in the comforts and conveniences which will arise from the preparation of the grounds, in the laying out of the streets, in the sewerage and water plants, and in the enjoyment of all those pleasures and conveniences which will come from the erection of the light, heat, and motor plants, which will entail enormous expense upon the exposition company, and if the nation's guests are to enjoy in common with others the advantages and conveniences which the company shall inaugurate, it is not improper, but just, that the Government which has invited them should share a portion of this burden. To this end your committee have recommended an appropriation of \$250,000 directly to the Jamestown Tercentennial Exposition Company. This appropriation is so necessary to properly help entertain the guests of the nation for the reasons I have above stated that it can very properly be considered as carrying out the law of March 3, 1905, and therefore authorized by it.

One hundred thousand dollars is appropriated in aid of the Negro Development and Exposition of the United States of America, to enable it to make a showing of the progress of the negro race in this country at said exposition, and provision is made for the proper and safe mode of the expenditure of said sum. The bill provides also that no liability of the power of the United States Government shall exist for any debt or obligation incurred by any of the boards of commission or any person or persons whatsoever in excess of appropriations by this act authorized.

The United States Government is exempted by the bill from all liability for any of the acts, doings, or representations of the Jamestown Exposition Company, its officers, employees, etc.

The Jamestown Tercentennial Commission are required at the close of the exposition to make a complete report of their actions, and a complete statement of all expenditures for the purposes herein specified, to the President of the United States for transmission to Congress.

Mr. Chairman, divested even of the sentimental and patriotic reasons for the celebration by this nation of the first permanent settlement of English-speaking people in America, there are other potent reasons why a liberal appropriation for participation in and in aid of this exposition should be made by Congress.

A great many bills have been introduced in this Congress looking to the upbuilding of the merchant marine and the commerce of this country. What better object lesson could there be—what better chance to draw comparisons—than to have the merchant marine of the nations of the world participating in this celebration?

The bill just passed by the House provides for an increase of the Navy. Every session of Congress we vote large sums of money for this purpose and for the maintenance of the Navy. Here at this exposition, where will be gathered the navies of the world in a great peace congress, the people who foot the bill will have an opportunity to be informed and to judge for themselves, and be put in a position to impress upon their Representatives their opinion of what should be the policy of the United States on the question of a large navy. I believe it will result in great good to the Navy to have the people of the country better informed on this subject.

The objection has been raised that this celebration comes too soon after the one held at St. Louis.

Mr. Chairman, we live in a wonderful age of inventive genius and advancement in the mechanical arts. So fast does one marvel of invention follow another that if yearly expositions were held in some city of this country each succeeding year would bring its own new and useful inventions to help enrich the world. No longer than this week the Superintendent of the Life-Saving Service told me that his department had several new inventions that they would exhibit for the first time at this exposition. So fast has history moved that even before this event can be celebrated the relative importance as a world power of some of the nations participating may be changed. Since the celebration at St. Louis, the last international exposition, the United States has begun a great international work that makes for the prosperity and welfare of the commerce of all nations. If we have become a great world power, we have also become a great world benefactor, and it seems to me a proper time to hold a great international celebration and a proper time for the navy and the merchant marine of other nations to come and do us honor. I believe some recognition of this event should and will be made in the celebration about to be held. Expositions are great industrial, historical, and commercial universities, in which the humblest citizen may have a chance to receive enlightenment and instruction in the progress and upbuilding of his country, and to obtain that knowledge and attainment in the arts, in science, commercial and industrial development which creates that incentive and opportunity for genius to create and perpetuate the industrial and commercial ascendancy of America over the nations of the earth.

There are still stronger reasons why this bill should pass.

The President of the United States, inspired by patriotic sentiment, recommended in his message to Congress that a proper celebration of this event should be held, and in response to that recommendation and the sentiment that inspired it, Congress passed the act of March 3, 1905, and authorized him to issue the invitation on behalf of the nation, which he did, through the Department of State. When Congress assembled this winter, recognizing that the compromise bill which was passed the last day of the previous session was inadequate, did not provide the means of carrying out its own provisions, his message to the present Congress called attention of Congress to the necessity of further legislation, and recommended in his vigorous style that the needed help be given. I quote in part:

I earnestly hope that this celebration, already indorsed by the Congress of the United States, and by the legislatures of sixteen States since the action of Congress, will receive such additional aid at your hands as will make it worthy of the great event it is intended to celebrate, and thereby enable the Government of the United States to make provision for the exhibition of its own resources, and likewise enable our people who have undertaken the work of such a celebration to provide suitable and proper entertainment and instruction in the historic events of our country for all who may visit the exposition and to whom we have tendered our hospitality.

Thus showing by his language that the present law in his opinion fell short of affording that sort of entertainment, which, as host, it was our duty to offer our guests.

The report of your Committee on Industrial Arts and Expositions shows conclusively, in their opinion, the necessity of further legislation. The five gentlemen who have signed the minority report used this significant language:

One argument brought forward produced an effect in the minds of the minority, namely, the suggestion that the act of March 3, 1905, provided inadequately for the entertainment and diversion of the foreign visitors invited by the President in conformity with the will of Congress.

And to show that they, too, are convinced that more legislation is necessary, they say it over their signatures that the entertainment provided is not full and complete, and further say:

If it appears that foreign nations are to send representatives to such a number as to tax our resources for their entertainment or diversion aboard ship or on shore, ample time will exist to remedy this circumstance by action in the next session of Congress. The minority, however, was by no means convinced that such an exigency is likely to arise.

Mr. Chairman, any unbiased investigation will convince the most skeptical that the acceptances already received meet the suggestion made by them. There will not be time after the next session of Congress for legislation then enacted to be effective. The items proposed in this bill which your committee recommended as necessary could not be completed by April 26, 1907, the day the exposition opens its doors to the world.

No one can plead that the bill of last winter was the end of legislation on the subject. We all know that it takes not thousands but millions to hold an exposition, and the language of the former bill shows that the appropriation to carry out the object authorized was partial and not complete.

No one can charge bad faith because, when urged to accept an amendment agreeing not to come to this Congress for further appropriations, with the assurance that in that event opposi-

tion would be withdrawn, the proposition was declined. At that time the gentleman from Maine who was opposing the bill stated that without that amendment the camel would have his head in the tent and at the next session his body would follow.

There is an almost unanimous sentiment among the people for this appropriation. The States whose legislatures have met since the authorization by Congress have, almost without exception, made appropriations for participation. The papers and magazines all over the country have urged it, and I believe if an opportunity is given this House to vote upon it, that the majority for the bill will be large and decisive.

And now, Mr. Chairman, for the final reason. Can we, in honor and with credit, turn down this bill? The Congress of the United States, by the act of March 3, 1905, invited the nations of the world to participate with us in this celebration to be held near and in the waters of Hampton Roads, in the State of Virginia. We can not now evade the responsibility of our own act. The powers will be our guests. If they are coming in greater numbers than we expected, then we must enlarge our table and provide in greater abundance. Whether we intended to do more, when the act of last winter was passed, is not now the question. The invitations have been sent and accepted. The guests are almost on the way. Shall we repeal the former law, withdraw the invitations, throw discredit upon our hospitality, or shall we meet the occasion with that spirit of liberality and greatness which is truly American?

I have no fears of what will be the verdict of the Representatives of the American people if given a chance to vote on this measure. It will be a hearty response and notice that America, in hospitality as well as greatness of achievement, leads the world. [Loud applause.]

Mr. ADAMS of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURTIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the diplomatic and consular appropriation bill, and had come to no resolution thereon.

DAM ACROSS THE PEND D'OREILLE RIVER, WASHINGTON.

The SPEAKER laid before the House, from the Speaker's table, the bill (S. 6038) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes, a similar House bill being on the Calendar.

The bill was read, as follows:

A bill (S. 6038) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

Be it enacted, etc., That the consent of Congress is hereby granted to, and it shall be lawful for, the Pend d'Oreille Development Company, a corporation duly incorporated under the laws of the State of Washington, its successors or assigns, to construct and maintain a dam across the Pend d'Oreille River at a point at or about the Big Falls (sometimes known as Metaline Falls) on the Pend d'Oreille River, in the county of Stevens, State of Washington, such point to be selected by the Pend d'Oreille Development Company, its successors or assigns, at said falls, or within 1,000 feet above or below the same, for the purpose of erecting, operating, and maintaining a power station, and to maintain inlet and outlet races or canals, and to make such other improvements as may be necessary for the development of water power, electrical power, and the transmission of the same, subject always to the provisions and requirements of this act and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States: *Provided,* That such dam and works shall not be built or commenced until after the plans and specifications for their construction, together with such drawings of the proposed construction and such map of the proposed locations as may be required for a full understanding of the subject, have been submitted to the Secretary of War for his approval, or until after he shall have approved such plan and specifications and the location of such dams and accessory works; when the plans for any dam to be constructed under the provisions of this act have been approved by the Secretary of War it shall not be lawful to deviate from such plans, either before or after the completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary of War.

Sec. 2. That the Government of the United States reserves the right at any time that the improvement of the navigation of the Pend d'Oreille River demands it to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an extent as may be necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the Pend d'Oreille Development Company, its successors or assigns, owning and controlling such dam or other structures, shall convey to the United States, under such terms as Congress shall prescribe, titles to such lands as may be required for such lock and approaches, and in addition thereto shall grant to the United States free of cost the free use of water power for building and operating such constructions: *Provided,* That the Pend d'Oreille Development Company, its successors or assigns, building, maintaining, or operating

any dam or other structures under the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise, in a court of competent jurisdiction. The Pend d'Oreille Development Company, its successors or assigns, owning or operating any such dam, shall maintain at their own expense such lights and other signals thereon and such fishways and such ways for the free passage of saw logs as the Secretary of Commerce and Labor shall prescribe.

SEC. 3. That this act shall be null and void unless the dam herein authorized shall be commenced within two years and completed within five years from the date of the approval hereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. JONES of Washington. Mr. Speaker, I move the passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. JONES of Washington. Mr. Speaker, I move that the bill H. R. 18963, being a similar House bill, lie on the table.

The motion was agreed to.

MARY H. SCOTT.

The SPEAKER also laid before the House the bill (H. R. 18032) granting an increase of pension to Mary H. Scott, with a Senate amendment, which was read.

Mr. BARTLETT. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9297. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired;

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shellfish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland; and

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue; and

H. R. 13938. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Oswego, N. Y.

J. T. BANDY.

The SPEAKER also laid before the House the bill (H. R. 17890) granting an increase of pension to J. T. Bandy, with Senate amendments, which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

JOSEPHINE V. SPARKS.

The SPEAKER also laid before the House the bill (H. R. 17842) granting a pension to Josephine V. Sparks, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. I move to nonconcur in the Senate amendment, and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama as conferees.

PERSONAL REQUESTS.

Mr. CALDERHEAD requested leave of absence for one day, on account of sickness.

Mr. STEVENS of Minnesota asked leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 11796, for diversion of water from the Sacramento River, etc., Fifty-ninth Congress, no adverse report having been made thereon.

Mr. VREELAND asked leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mary E. and J. A. Callahan, Fifty-sixth Congress, no adverse report having been made thereon.

Mr. PAYNE. I move that the requests be granted.

The motion was agreed to.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for relief of D. M. Carman, of Manila, P. I.—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the finding filed by the court in the case of David H. Hilderbrand against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WADSWORTH, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 19573) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively, reported the same, accompanied by a report (No. 4399); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19351) granting an increase of pension to William C. Mankin, reported the same with amendment, accompanied by a report (No. 4346); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19305) granting an increase of pension to Almus Harrington, reported the same with amendment, accompanied by a report (No. 4347); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18829) granting an increase of pension to William Fox, reported the same without amendment, accompanied by a report (No. 4348); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19220) granting an increase of pension to Calvin Corsine, reported the same with amendment, accompanied by a report (No. 4349); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19495) granting an increase of pension to A. P. Glaspie, reported the same with amendment, accompanied by a report (No. 4350); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18587) granting an increase of pension to Catherine Bausman, reported the same with amendment, accompanied by a report (No. 4351); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19255) granting an increase of pension to John Bradford, reported the same without amendment, accompanied by a report (No. 4352); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19221) granting an increase of pension to Emma Byles, reported the same with amendment, accompanied by a report (No. 4353); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19262) granting an increase of pension to John Wickline, reported the same with amendment, accompanied by a report (No. 4354); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18428) granting an increase of pension to James L. Gamble, reported the same

with amendment, accompanied by a report (No. 4355); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19249) granting an increase of pension to Lorenzo W. Shedd, reported the same with amendment, accompanied by a report (No. 4356); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19408) granting an increase of pension to Elisha Brown, reported the same without amendment, accompanied by a report (No. 4357); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18451) granting an increase of pension to Alexander B. Wilson, reported the same with amendment, accompanied by a report (No. 4358); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19279) granting an increase of pension to Peter Cramer, reported the same with amendment, accompanied by a report (No. 4359); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19457) granting an increase of pension to Charles Prince, reported the same with amendment, accompanied by a report (No. 4360); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19009) granting an increase of pension to Lafayette H. McClung, reported the same with amendment, accompanied by a report (No. 4361); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19120) granting a pension to Eliza E. Whitley, reported the same with amendment, accompanied by a report (No. 4362); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19364) granting an increase of pension to Anna Ring, reported the same with amendment, accompanied by a report (No. 4363); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15547) granting an increase of pension to Henry D. Duffield, reported the same without amendment, accompanied by a report (No. 4364); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14774) granting an increase of pension to Levi M. Hall, reported the same with amendment, accompanied by a report (No. 4365); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14544) granting an increase of pension to William A. Carroll, reported the same with amendment, accompanied by a report (No. 4366); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14798) granting a pension to Lucinda Brady, reported the same with amendment, accompanied by a report (No. 4367); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14930) granting a pension to Mary Whistler, reported the same with amendment, accompanied by a report (No. 4368); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14345) granting an increase of pension to Peter Noblet, reported the same without amendment, accompanied by a report (No. 4369); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15502) granting an increase of pension to Harman Hank, reported the same with amendment, accompanied by a report (No. 4370); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16371) granting an increase of pension to Peter Eberts, reported the same with amendment, accompanied by a report (No. 4371); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16836) granting an increase of pension

to David C. Winebrener, reported the same with amendment, accompanied by a report (No. 4372); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16620) granting an increase of pension to Jackson Adkins, reported the same with amendment, accompanied by a report (No. 4373); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13058) granting an increase of pension to Thomas J. Baum, reported the same without amendment, accompanied by a report (No. 4374); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12531) granting a pension to Charles Collins, reported the same with amendment, accompanied by a report (No. 4375); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12400) granting an increase of pension to Charles H. Sweeney, reported the same with amendment, accompanied by a report (No. 4376); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11780) granting an increase of pension to Charles Stair, reported the same with amendment, accompanied by a report (No. 4377); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11422) granting an increase of pension to George B. True, reported the same with amendment, accompanied by a report (No. 4378); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11100) granting an increase of pension to John Browne, reported the same with amendment, accompanied by a report (No. 4379); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11072) granting an increase of pension to William T. Hosley, reported the same without amendment, accompanied by a report (No. 4380); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11217) granting an increase of pension to Jordan H. Banks, reported the same with amendment, accompanied by a report (No. 4381); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12013) granting a pension to Emma Fox, reported the same with amendment, accompanied by a report (No. 4382); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7763) granting a pension to J. Stebbins King, reported the same with amendment, accompanied by a report (No. 4383); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8934) granting an increase of pension to Wesley A. J. Mavity, reported the same with amendment, accompanied by a report (No. 4384); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8903) granting an increase of pension to John W. Dawes, reported the same with amendment, accompanied by a report (No. 4385); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10282) granting a pension to Emma E. Goodwin, reported the same with amendment, accompanied by a report (No. 4386); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9876) granting an increase of pension to William H. H. Mallalieu, reported the same with amendment, accompanied by a report (No. 4387); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6423) granting an increase of pension to Levi A. Canfield, reported the same with amendment, accompanied by a report (No. 4388); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 5834) granting an increase of pension to Ethan Allen Willey, reported the same with amendment, accompanied by a report (No. 4389); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5707) granting an increase of pension to John P. Veach, reported the same with amendment, accompanied by a report (No. 4390); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1689) granting an increase of pension to William A. Bailor, reported the same with amendment, accompanied by a report (No. 4391); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 609) granting an increase of pension to Horace H. Sickles, reported the same with amendment, accompanied by a report (No. 4392); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3369) granting an increase of pension to Albert Sriver, reported the same with amendment, accompanied by a report (No. 4393); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2223) granting an increase of pension to John A. Blanton, reported the same with amendment, accompanied by a report (No. 4394); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6510) granting an increase of pension to Richard A. Roberts, reported the same with amendment, accompanied by a report (No. 4395); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14919) granting a pension to Maria C. Shepperd, reported the same with amendment, accompanied by a report (No. 4397); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8405) to correct the military record of John Sanspree, reported the same adversely, accompanied by a report (No. 4398); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GRAHAM: A bill (H. R. 19566) to authorize the Coraopolis and Osborne Bridge Company to construct a bridge across the Ohio River—to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Nebraska: A bill (H. R. 19567) to regulate the issuing of licenses to plumbers, gas fitters, and fixture hangers in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: A bill (H. R. 19568) vacating Alexander place and Poplar street, in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: A bill (H. R. 19569) to provide for the inspection, examination, and supervision of live cattle, sheep, swine, and goats, and the carcasses and food products thereof, which are the subjects of interstate or foreign commerce, and for other purposes—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: A bill (H. R. 19570) to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and for other purposes—to the Committee on Insular Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 19571) to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 19573) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the

White Mountain Forest Reserve, respectively—to the Union Calendar.

By Mr. MAYNARD (by request): A bill (H. R. 19574) providing for the sale of Craney Island, in the harbor of Norfolk, and for other purposes—to the Committee on Naval Affairs.

By Mr. MONDELL: A bill (H. R. 19575) granting 10 per cent of the gross receipts from forest reserves to the counties in which the same are situated—to the Committee on the Public Lands.

By Mr. GARRETT: A joint resolution (H. J. Res. 160) authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 161) to create a commission to examine into the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. HEPBURN: A resolution (H. Res. 537) providing for the appointment of conferees on the bill H. R. 12987, etc.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEALL of Texas: A bill (H. R. 19576) for the relief of J. C. Lankford—to the Committee on War Claims.

Also, a bill (H. R. 19577) granting an increase of pension to Mary L. Patton—to the Committee on Pensions.

Also, a bill (H. R. 19578) granting an increase of pension to Mary A. Rogers—to the Committee on Pensions.

Also, a bill (H. R. 19579) granting an increase of pension to Robert Mayfield—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 19580) granting an increase of pension to Jane Williamson—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 19581) granting an increase of pension to Mary E. Bookhammer—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 19582) granting an increase of pension to Thomas Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19583) granting an increase of pension to John B. Smith—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 19584) granting an increase of pension to Joseph B. Pettey—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 19585) granting an increase of pension to Robert B. Love—to the Committee on Pensions.

Also, a bill (H. R. 19586) granting an increase of pension to Nancy Ann Butler—to the Committee on Pensions.

Also, a bill (H. R. 19587) granting an increase of pension to Martha Ann Jones—to the Committee on Pensions.

By Mr. GROSVENOR: A bill (H. R. 19588) granting a pension to Mary L. McLean—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 19589) granting a pension to Aaron Davis—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 19590) granting a pension to Rahl Rufus—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 19591) granting a pension to Sarah E. Creighton—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 19592) granting an increase of pension to W. B. Corley—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 19593) granting an increase of pension to Richard H. Shopland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19594) granting an increase of pension to Hosea Hudson—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 19595) granting an increase of pension to James R. Neal—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 19596) to correct the military record of Theodore W. Reeder—to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 19597) for the relief of Maria McMurdie—to the Committee on Claims.

By Mr. MAYNARD: A bill (H. R. 19598) for the relief of Charles H. Oehm and Charles W. Oehm—to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 19599) granting an increase of pension to William J. Large—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 19600) for the relief of Philip Cole and the estates of John D. Cole and Stephen W. Cole, deceased—to the Committee on War Claims.

By Mr. SMITH of California: A bill (H. R. 19601) granting an increase of pension to John E. Kingsbury—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 19602) granting an increase of pension to Samuel Shepherd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19603) granting an increase of pension to Jacob Farner—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 19604) granting an increase of pension to Beverley McK. Lacey—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 19605) granting a pension to Anna A. Foster—to the Committee on Pensions.

By Mr. WALDO: A bill (H. R. 19606) to pay certain claims of citizens of foreign countries against the United States, and to satisfy certain conventional obligations of the United States—to the Committee on Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 19547) for the relief of Martha Howard—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 5735) granting a pension to Eliza A. Camp—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of S. Purple, secretary of the Order of Railway Conductors, of Meadville, Pa., against the Culberson amendment to the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Texas: Papers to accompany bills for relief of Mary A. Rogers and Mary L. Patton—to the Committee on Pensions.

Also, paper to accompany bill for relief of James B. Barry—to the Committee on Invalid Pensions.

By Mr. BROWN: Petitions of the Methodist churches of Chelsea and Westboro, Wis., and the Methodist Episcopal and other Christian churches of Red Lake, Wis., against Sunday opening of the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of John J. Voemastek, for an amendment to the postal laws making all paid subscriptions legitimate—to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKMAN: Petition of the Leader, of Long Prairie, Minn., and the Tribune, of Waverly, Minn., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CRUMPACKER: Petition of citizens of Earl Park, Benton County, Ind., for Federal aid in enforcement of State liquor laws—to the Committee on Alcoholic Liquor Traffic.

By Mr. GARRETT: Paper to accompany bill for relief of Sarah Jane Dougherty (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HAMILTON: Petition of citizens of Tama and Toledo, Iowa, in support of the bill granting increase of pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of the San Francisco Labor Council, against bill S. 27 and for the amendment now contained in bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

By Mr. KLINE: Petition of Mountainville Grange, Patrons of Husbandry, for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of the village of Graysville, Ga.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Sarah M. Roach—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Martha Howard—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: Petition of the city council of Chicago, for sole control by the Federal Government of the outflow of Lake Michigan water into the Chicago city canal—to the Committee on Rivers and Harbors.

By Mr. SHACKLEFORD: Petition of the Kansas Antigrafters, for a graduated license tax on corporations and an additional and larger tax on them when they combine as trusts, as provided by the Daniels bill (H. R. 5756, first session Fifty-sixth Congress)—to the Committee on Ways and Means.

By Mr. SMITH of Maryland: Petition of Charles Webster, of

East New Market, Md.; William P. Andrews & Co., of Crapo, Md., and James T. Wilson & Co., of Delmar, Del., for an amendment to the pure-food bill to protect canners—to the Committee on Interstate and Foreign Commerce.

By Mr. SPIGHT: Paper to accompany bill for relief of McKay Lacey—to the Committee on Pensions.

Also, paper to accompany bill for relief of Alfred McFadden (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. TYNDALL: Petition of citizens of Missouri, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, May 23, 1906.

Prayer by Rev. ROBERT M. MOORE, of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Alfred W. Kent v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of the Iroquois Club, of San Francisco, Cal., praying for the enactment of legislation providing for drawbacks on structural material imported for the construction of buildings in that city; which was referred to the Committee on Finance.

Mr. DICK presented petitions of sundry citizens of Dayton and Milford, in the State of Ohio, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Clearing House Association of Youngstown, Ohio, praying for the enactment of legislation permitting national banks to loan 10 per cent of the capital and surplus to individual borrowers; which was referred to the Select Committee on National Banks.

He also presented petitions of the Erie County Humane Society, of Sandusky, and of C. V. Hoke, of Van Wert, in the State of Ohio, and of S. H. Cowan, of Washington, D. C., praying for the enactment of legislation relative to the extension of time in the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens and manufacturing companies of Kings Mills, Harshman, Cleveland, Tiffin, Bellevue, Middletown, Toledo, Warren, Fremont, Upper Sandusky, Mantua, Beidler, Ashland, Salem, New Carlisle, Ashville, Mansfield, Dayton, Portsmouth, Grove City, Columbus, Cincinnati, Springfield, Rome, Canton, Akron, Oberlin, Findlay, Defiance, Massillon, Roxabell, and Chandlerville, all in the State of Ohio, praying for the enactment of legislation to remove the duty on denatured alcohol; which were referred to the Committee on Finance.

He also presented memorials of sundry business associations of Dayton, Urbana, Chillicothe, Oxford, Cleveland, Marion, Louisville, Ashley, Waynesfield, Akron, Columbus, and Xenia, all in the State of Ohio, remonstrating against the passage of the so-called "parcels post and post check bills;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Canton, East Liverpool, Good Hope, Mansfield, Gallon, Ravenna, Perry, Salineville, Attica, Cincinnati, Girard, Bellaire, Marietta, Gallipolis, Palestine, Columbus, Circleville, Troy, Fidelity, Toledo, West Chester, Springfield, Newtown, South Lebanon, Perry, and Newport, all in the State of Ohio, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

He also presented petitions of sundry women's clubs of Toledo, London, and Warren, all in the State of Ohio, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry church organizations of Milan, Oxford, Springfield, Portsmouth, Reiley, Marion, and Barnesville, all in the State of Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.